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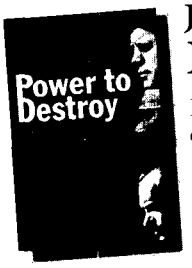

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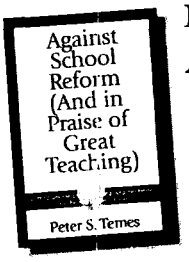

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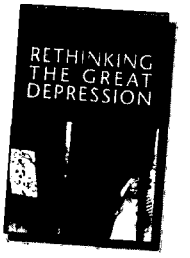

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Editor's Page

SLOWLY, an intelligent opposition to the Bush administration's domestic and foreign policies is taking shape. Not only from leftists: some thoughtful conservatives have begun to worry out loud about the ideological stridency and rigidity of their own leaders. There was plenty of stridency and rigidity on the left, too, in the immediate aftermath of the attacks of September 11, 2001, and a number of us at *Dissent* criticized the reflexive opposition of leftists who could not recognize or acknowledge what had happened on that fateful day. But opposition is necessary; we need to argue among ourselves about what form it should take and how it should be focused. What policies of the contemporary right is it most urgent to oppose? How should people committed to democracy, civil liberties, and equality deal with, join in, and resist Bush's version of the war against terrorism? These are some of the questions we address in this issue of *Dissent*. ■ Gordon Lafer's insistence that we fight on two fronts provides a kind of keynote. There can't be any disengagement from the war against privilege and corruption, both of which are embodied in our current government. The Democratic Party has had great difficulty engaging in any compelling way—though the opportunity is there, as Harold Meyerson argues. By contrast, Bush and his friends seem never to have imagined that the war against terrorism required any halt to the aggrandizement of their own wealth and power. They claim to be interested in "homeland security." Well, we should be interested, too; security is a good thing. But it goes along with, and even depends on, homeland equality, minimal fairness, shared sacrifice, and a sense of solidarity. All this has commonly been, and should be today, the work of the left. We should be speaking to our fellow citizens (patriotically, as Michael Kazin suggests) about what is really necessary to make every American more secure. ■ What's necessary undoubtedly includes police work, the core of the struggle against terror. We need to engage with that too, arguing that the police can do what they have to do within the constitutional constraints that preserve personal freedom and democratic opposition. John Rodden's account of the FBI's surveillance of Irving Howe in the 1950s suggests the silliness that police all too readily fall into; Harold Koh provides a model of liberal-left opposition with his critique of Bush's military tribunals—acknowledging danger, insisting on procedural justice. ■ Just as there can be an egalitarian and constitutional "war" against terror, so there can be an internationalist "war" against terror. That, too, should be the work of the left, opposing imperial arrogance, as James Rule urges, while defending not only multilateral decision making but also—see "Junius" on the Internatonal Criminal Court—the multilateral enforcement of decisions made.

M.W.

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Dissent

Fall 2002

Editor's Page
MICHAEL WALZER
1

Comments and Opinions
GORDON LAFER identifies the domestic losers in the "war" against terrorism, 5 ■ HAROLD MEYERSON asks if the Democrats can salvage anything from the conservative catastrophe and visits a convention of former socialists, 10 ■ MARK LEVINSON calls for democratic controls on the criminal behavior of business interests, 16 ■ JUNIUS urges the United States to join the International Criminal Court, 19

Politics Abroad
SHLOMO AVINERI says Islam is not the reason for failed democratization in the Arab world, 21 ■ MICHAEL WALZER defines the four wars of Israel/Palestine, 26 ■ SEYLA BENHABIB examines citizenship in the modern European state, 33

Articles
A Patriotic Left
MICHAEL KAZIN
41

Dissenting from the American Empire
JAMES B. RULE
45

Hackers and the Battle for Cyberspace
HELEN NISSENBAUM
50

Against Military Tribunals
HAROLD HONGJU KOH
58

How to Judge Future Judges
SANFORD LEVINSON
63

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Pluralism, Truth, and Social Democracy
Brian T. Trainor
69

Arguments
Manfred B. Steger defends political pacifism
and Jeffrey C. Isaac responds, **73**

Archive
John Rodden examines the many mistakes in the FBI file on Irving Howe,
79

Reconsiderations
Kim Phillips-Fein looks at *The Lonely Crowd*, **87**

Books
Jeff Faux on Judith A. Teichman's *The Politics of Freeing Markets in Latin America* and Sarah Babb's *Managing Mexico*, **91** ■ Ellen Willis on Sylvia Ann Hewlett's *Creating a Life*, **95** ■ Todd Gitlin on Kevin Mattson's *Intellectuals in Action*, **99** ■ Steve Fraser on Kevin Phillips's *Wealth and Democracy*, **102**

Letters
107

The Last Page
Nadia Urbinati
112

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Dissent will soon be entering its forty-ninth year. If we do say so ourselves, it's a remarkable record for an independent magazine of the democratic left.

But in order to keep going, we need your help. *Dissent* is run with rigorous frugality. All of us who work on the magazine and write for it contribute our labor, time, talents, and money. And yet we cannot earn more than (roughly) three-fifths of what it costs to print and distribute *Dissent*. The rest must come—and for almost forty-eight years *has* come—from our loyal readers.

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Fighting on Two Fronts

A Union Perspective on the War on Terrorism

Gordon Lafer

THE LAST YEAR has been a tough time for anyone who cares about economic justice in the United States. Since September 11, trying to promote a labor union agenda—or talking about economic equality at all—has been like walking under water. For one thing, it seems impossible to rally the public around the issues we face. Who cares about the problems of farmworkers or nurses when we're worried about anthrax? For unions negotiating new contracts it's even worse; compared to buildings falling down, protesting about our own wages and benefits seems like petty, self-centered whining.

In this atmosphere, we've become tongue-tied. For many of us in the labor movement, it's as if we've been administered a nationwide dose of anesthesia. We know that our problems haven't changed, but we can't figure out how to articulate our issues in a way that seems compelling to anyone.

Politics by, of, and for the Rich

Unfortunately, while we've been silenced by the need to sacrifice for the common good, big business and the super-rich have used the national crisis to pursue a selfish agenda at the expense of the great majority of the country. The Bush administration has promoted a dramatic legislative agenda, any part of which would have provoked large-scale opposition before September 11. Just a short list of these sweeping changes includes the following:

Social Security: Before September 11, Al Gore and George Bush were competing over who had the stronger "lock box" for safeguarding the Social Security surplus. The "lock box" was raided one day after the terrorist attacks, when the president took forty billion dollars from Social Security, declaring it necessary for the war on terrorism.

Fast Track: This is likely to cause at least as much damage to working people as NAFTA.

Missile Defense: We are diverting huge amounts of money to this project when there's no clear evidence either that it will work or that it is needed.

Huge Corporate Giveaways: The president proposed a hundred billion dollars in corporate tax cuts with no guarantee that the money will be used to create jobs.

The USA Patriot Act: This legislation is now being used to threaten immigrant workers and union activists around the country—with language so vague that any non-citizen (including legal residents) could be arrested and deported for supporting a union boycott.

The Port and Maritime Security Act: This bill is the worst of pending legislation. It is a means to help shipping companies that are out to break the longshore unions. The bill only appears to have something to do with security: shipping companies have refused to allow inspection of the actual cargo containers, but want workers screened and fired if they have any felony conviction in the past twenty years. This is the equivalent of having uselessly strict checks on airport workers while refusing to x-ray luggage going onto planes. In addition, the bill provides for long-term "terrorist" sentences for anyone who engages in acts such as "disrupting" or "interfering" with maritime commerce. When the International Longshore and Warehouse Union asked for language clarifying that this would not apply to labor disputes, the White House explicitly refused. So the administration is helping the shipping companies use September 11 to strip workers of their free speech rights.

In addition to this political agenda, we've also seen direct attacks on unions' efforts to

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protect the wages and benefits of working Americans. When Minnesota public employees went out on strike shortly after September 11, they were accused of being unpatriotic. When Portland city employees voted to strike over health-care cutbacks, local editorial writers and talk-show personalities attacked them for selfishness in a time of national crisis. At Delta, where flight attendants held a union election earlier this year, a Delta vice president sent voice mail to all flight attendants stressing how the events of September 11 had created a closer bond among the "in-flight family," and urging them not to allow a union to destroy that bond.

Where Is the Money?

There are several reasons offered to justify these attacks on unions. First, we're told that there is no money—every cent is needed for the war on terrorism; therefore, for working people to fight for their own wages is selfish or worse: it is a betrayal of the nation. But let's look at where there is money, and where there isn't. The Bush administration has found or been unable to find money for the following items:

There is a hundred billion dollars for corporate tax giveaways, including twenty-five billion dollars in retroactive tax cuts, given with no strings attached at all. The companies could use all the money for executive bonuses, and that would be just fine.

But there isn't seventeen billion dollars to extend unemployment insurance to cover part-timers and provide increased benefits for those laid off after September 11.

There is fifteen billion dollars to bail out airline investors, but not a penny for workers. American Airlines received eight hundred million dollars from the federal government, and then laid off twenty thousand employees, declaring that it would pay no severance to those who lost their jobs. This is not only legal, it's encouraged by the Bush bailout law. Airlines have to apply to the government to get their part of the fifteen billion, and one of the official criteria for approving applications is that the airlines are supposed to force concessions from their employees.

One of the more extreme corporate giveaways involves Cipro, the most popular drug used to treat anthrax. Cipro is produced by the Bayer company, and at market rate a month's supply of Cipro costs $350. By comparison, generic producers manufacture a chemically identical drug that costs just $10 a month—1/35th the brand name price. In Canada, the government suspended Cipro's patent, so that the country could meet the emergency need for large quantities of the drug at affordable prices. But the Bush administration refused to break the patent for Cipro—pleasing the big pharmaceutical companies that were among the biggest donors to the Bush campaign. Based on the number of pills the government determined were needed to combat an anthrax attack, the difference between paying market rate and using generic drugs amounts to a total of eight billion dollars.

There is also eight billion dollars for insurance industry subsidies. After September 11, the insurance industry asked the government to guarantee that taxpayers would foot the bill for any future payouts on anti-terrorism insurance policies. Democrats agreed and said that the public would cover 80 percent of the insurance companies' costs—but only after the first ten billion dollars was paid out. This wasn't enough for the Bush administration, which supported the insurance executives' request that the public foot the bill right from the first dollar. The difference between these two proposals is eight billion dollars.

By contrast, either the eight billion dollars for Cipro or the eight billion dollars for the insurance companies would be enough to pay a full year of family medical premiums for all one million Americans who were laid off in 2001. But according to the administration, the country cannot pay continuing health insurance for laid-off workers. In fact, Treasury Secretary Paul O'Neill complained that to do so would create a "new entitlement class," and House Majority Leader Dick Armey stated that helping these workers is "not commensurate with the American spirit."

The second argument we hear is that money has to be given to the super-rich and big corporations in order to stimulate the economy. But economists on both the left and right agree that the best way to stimulate the

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economy is to give money to people on the bottom, who will go out and spend it on goods and services that put other Americans to work, rather than speculating in the stock market or buying expensive art, which creates jobs for no one.

The problem we face is not that there's no money, and it's not that we need to stimulate the economy. The real problem is that the richest people in the country have used the war to make themselves even richer, at the expense of the rest of us. While our eyes are on Afghanistan, their hands are in our pockets, grabbing as much cash as they can.

Even worse, they justify all the grabbing as if it's part of the war effort. It is hard to imagine something more cynical than the way the administration has bastardized and abused the meaning of "patriotism" to get the rest of us to look the other way while their friends raid the treasury. A lot of people have compared September 11 to Pearl Harbor and the period we're in now to the days of the Second World War. If this were the Second World War, some of the administration's friends might be behind bars for war profiteering, because there were regulations in those years against profiting from the nation's misery.

Two Wars

The truth is, there are two wars. There's the war on terrorism. And there's the war on working people, which has been going on for more than twenty years. In the first weeks after September 11, when union firefighters were the universal symbol of heroism, some hoped that the war on working people would be suspended in the name of national unity. Not only has it not been suspended, but the rich have used the terrorist attacks as an opportunity to accelerate their agenda. In fact, in the month following the terrorist attacks, the Senate rejected a proposal that would have granted collective bargaining rights to firefighters in twenty-two states where they now lack the right to organize. Not only did the senators punish firefighters in this way, but they had the gall to use September 11 as the reason for doing so. If firefighters were allowed to unionize, some Republicans argued, they might go on strike during a terrorist attack.

There are two wars, and one of the most dramatic facts of the past year is that whenever there's a conflict between the war on terrorism and the war on working people, the administration has shown that the war on working people is its top priority.

For example, the Bush administration preferred to leave airport security in the hands of private companies—even those that had a proven track record of hiring ex-cons and lying to the government about hiring procedures—rather than let baggage screeners become federal employees and potential union members. The House Republican leadership delayed improving the nation's airport security for two months after the hijackings, in the hopes of keeping baggage screeners insecure and unorganized. Most recently, Bush threatened to veto the Homeland Security Bill unless he was granted the power to suspend whistle-blower protections, civil service status, and collective bargaining rights of all employees in the new mega-department. There is no evidence that any of these has ever been a hindrance to national security—on the contrary, the critical revelations by the FBI field agents regarding mistakes in the leadup to September 11 were made possible by exactly the type of whistle-blower protection the president now wants to restrict. In any case, this stance continues the rhetorical suggestion that to be pro-union is to be soft on national security. The administration has not yet determined whether the baggage screeners, following federalization, will have the right to organize. But the president has already ruled that baggage screeners will have more restricted whistleblower protections than those afforded all other federal employees—this despite the fact that national security would presumably benefit from baggage screeners' ability to speak out if they think something is going wrong.

The amount of Cipro needed to protect the country from an anthrax attack will take twenty months for Bayer to produce, but generic producers could make the same quantity in just three months. In order to maximize the profits of drug companies, the Bush administration is willing to expose the country to a seventeen-month window in which, if we are subject to a mass anthrax attack, we

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will not have enough drugs.

Republican leaders tried to prevent the anti-terrorist legislation from including restrictions on offshore banking used by terrorist money-launderers—because the same money-hiding schemes are used by corporate America and super-rich investors (such as Enron). It was more important to preserve the ability of big business to avoid its share of the tax bill than to guarantee the strongest possible anti-terrorism legislation.

Funds that were needed for the anti-terrorism effort—including funds for rebuilding New York City, for the public health infrastructure, and for fighting bioterrorism—have all been cut back in order to provide tax giveaways to big business and the rich.

In all these cases, we see not only that the war on working people has continued full steam ahead, but that it has repeatedly trumped the war against terrorism as the administration's top priority.

This agenda has moved forward because the rest of us have been stunned into inaction. We've been silenced by the fear that protest will seem anti-patriotic or have been chilled by a climate of fear and timidity. For many union activists, it feels as if we're just waiting for it all to be over.

But what is the "over" that we want it to be? Is it that we want the government to guarantee that there will never be another terrorist attack in America? No—that's unrealistic. What I think we mean by its being "over" is for the government to acknowledge what we all know to be true—that in this war, we can have guns and butter. We want the government to continue doing everything needed, and everything possible, to prevent future attacks. But this is not the job of every American; it is not the only thing that all of us have to be thinking about all the time or the single issue against which the importance of every other issue must be measured. We can also pay attention to the other issues that shape our lives. That's the kind of "over" we want it to be.

The Bush administration is not going to declare the war "over" in this sense, because its interests are too well served by a permanent crisis. So we have to do it. This may be a hard thing to say to others, but it's true. **It's over.** We won the war in Afghanistan. The state of emergency has passed. Everyone, go back to what you were doing before.

Let me be clear about what this means. The government should continue doing everything it can to prevent a future terrorist attack. That possibility is not "over." But the feeling that every American has terror-prevention as a primary responsibility, or that nothing else can be important as long as there's a possibility of another attack—all of that is over. It's over in the sense that we don't all need to be looking for terrorism everywhere we go or in everyone we meet. It's over in the sense that we know we can support government efforts to prevent terrorism, and we can do other things at the same time. And it's especially over in the sense that we are not going to be duped into lying down as willing victims of a rich people's war on the majority of Americans.

"Pulling Together": Two Visions

Again, many people have compared the period since September 11 to the Second World War. It's true that in the Second World War unions were banned from striking—but employers were also banned from making unilateral cuts in wages or benefits. In most strikes since September 11, however, workers have not demanded big advances. They have simply defended themselves against unilateral cuts—most often cuts in health benefits. If we were really operating under Second World War conditions, there wouldn't be a strike because employers wouldn't be allowed to use wartime as an excuse for cutting the health benefits of thousands of employees.

Just before the Portland employees' strike deadline, the *Oregonian* published an opinion column suggesting that it was anti-patriotic for workers to strike, because we all needed to "pull together"—both because of the war and because it is a time of recession. But what does it mean to "pull together"? There are two ways to think about a recession. In many cities, the government is one of the biggest employers. Being the biggest employer means that you're the trendsetter—you set the conditions that other employers have to match. If a secretary working for the city of Portland gets family medical insurance, it increases the pressure on

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other employers to offer the same benefits. This is never more important than during a recession. So there are two ways to think about public employees in a recession. Either one can say that it's especially important to protect the living standards of public sector workers because in a competitive market that will help pull up the standards of all other workers. Or one can appeal to the nastiest impulses in others, encouraging them to be bitter and resentful of those workers who are supposedly living high off the hog at taxpayer expense. This is the difference between our idea of pulling together and theirs. Our idea is that Americans pull each other up; their idea is that we tear each other down.

Working people, and the union movement, are the ones who have provided a real meaning to the word "patriotism," who have shown any real sense of what it means to come together, to sacrifice for the common good, and to get through a national crisis as a community. Construction workers brought the World Trade Center cleanup in one year early and one billion dollars under budget. Unions pulled together to provide payments to families of undocumented workers killed on September 11 when the government was unsure that they deserved payments. Postal workers and flight attendants accepted frightening risks on the job for weeks or months following September 11, in order to ensure that the country's normalcy would not be totally undermined. Workers around the country have paid the country's way through the post–September 11 adjustment by accepting smaller wage increases in contracts, and through large-scale layoffs in many industries, and for the most part these sacrifices have not tarnished laid-off workers' support for the country and the war.

It's not enough for us to wave flags on our picket lines, as if to say "we're for our contract, but we're for the country, too." We're not *for* the country. We *are* the country. The country doesn't belong to the super-rich and corporations that are raiding the treasury; these people wouldn't know patriotism if it fell on their heads. We can't let them steal the word "patriotism" and use it to attack normal working people. It is up to us, the majority of the country, to give the real definition of patriotism, and to declare that the period of silence, of being duped, of being robbed—all of that is "over." ●

GORDON LAFER is assistant professor at the University of Oregon's Labor Education Research Center and author of *The Job Training Charade*.

To Our Contributors

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THE EDITORS

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Conservative Catastrophe! Liberal Opportunity?

Harold Meyerson

SOMETHING'S busy dyin', but is anything being born? The age of market extremism, as Kevin Phillips has termed it, is shuddering to a halt, undone, as in all its previous incarnations, by its own excesses. The shift in public opinion on big business and regulation in the past several months has been stunning; the American people have soured on the dominant ideology of the past quarter-century. To what degree Democrats are inclined, and liberals able, to use this change in the zeitgeist to alter the American agenda is by no means clear. Ready or not, however, here comes their big chance.

The Public Moves

By midsummer, all the polls were reporting a sea change in the public's view of the political economy. Consider the numbers from a succession of polls taken for the networks and major newspapers in June, July, and early August: a total of 67 percent of Americans believed that most corporate executives were dishonest; just 6 percent said they had "quite a lot" of confidence in big business. Asked whether they thought regulations were necessary to protect consumers and the environment or an unnecessary hindrance to business, Americans came down on the side of regulations by a 52 percent-to-30 percent margin—a dramatic turnaround from the height of Gingrichism in January 1995, when they rejected regulations by 47 percent to 40 percent. For that matter, respondents opposed the privatization of Social Security by 55 percent to 41 percent, whereas just last December they were evenly split.

Behind these reversals is a crisis of faith in actual existing capitalism. All major market sell-offs, of course, stem from crises of faith: investors stop believing in the future of the stocks they've purchased, awakening—often, in a cold sweat—to the realization that their equities are impossibly overvalued. Like Wile E. Coyote, they can run through mid-air until they notice there is nothing beneath them. Then they plunge to earth.

But the current crisis of faith has three other dimensions that we haven't seen since 1929 and its immediate aftermath. The first is the realization that the numbers on which investors base their decisions—the audited statements of profits and income that corporations release—have been cooked. The second is the realization that the key players in the system—CEOs, CFOs, corporate directors, accounting firms, and stock analysts—have all been complicit in the cooking.

The third is the realization that the Republican Party—in both the legislative and executive branch—cares more about big business than it does about ordinary Americans. Americans have long known that the GOP is the party of business, of course, but now they are stewing about it. July was the cruelest month for Republicans who read the network polling: they found that 50 percent of Americans believe that George W. Bush sides with corporations over just plain folks (37 percent believe the opposite), and that by a 58 percent-to-29 percent margin, Americans believe that the Republicans are more interested in protecting big business than they are in protecting them. By a stupefying margin of 67 percent to 4 percent, the public believes big business has too much influence over the GOP rather than too little. (You can probably find more than 4 percent of the public who believe the world is run by Wayne Newton.) Worst of all, from Republicans' perspective, the number of Americans who thought the nation had "seriously gotten off on the wrong track" leaped from 39 per-

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cent at the beginning of July to 56 percent at its end.

And yet, it's not 1930 or 1932, years of economic desperation and Democratic triumph. The great Democratic victories of those years were largely the result of the collapse of the "real economy" on a scale unimaginable today. A double-dip recession later this year, however, seems well in the works. Add to that the fact that the public is on to them, and Republican members of Congress are quietly terrified. They just hope that the public is on to the Democrats, too.

The Democrats Move Just Enough

The Democrats, it's already apparent, are scarcely more prepared for this change in the political weather than the Republicans are. Senate liberals such as Jon Corzine, Ted Kennedy, Paul Wellstone and Paul Sarbanes have used the moment to promote meaningful reforms—most prominently, Sarbanes's clean-up of the accounting industry. That didn't mean, of course, that their colleagues were as disenthralled as they with the magic of free markets. What really moved the Sarbanes bill was a classic Wall Street panic; when the market went into free fall, even conservative Republicans were compelled to vote yes. (One's freedom of maneuver in the middle of a landslide is limited.) The Sarbanes bill was really national-emergency legislation, the equivalent of the depositor-security laws passed in the first week of Franklin D. Roosevelt's presidency, when a nationwide depositor panic had closed every bank in the land. Both laws were intended, by Republicans and Democrats alike, less to challenge American finance than to save it.

Indeed, Senate Majority Leader Tom Daschle, who shepherded the Sarbanes bill through the upper house, is the very same Tom Daschle who, a few days later and in concert with his colleagues in the Democratic leadership, killed two attempts to curtail CEOs' chronic abuse of stock options. Republican John McCain's bill requiring the expensing of options was unceremoniously liquidated; Democrat Carl Levin's bill requiring the Federal Accounting Standards Board to consider mandating such expensing was tabled to the legislative gulag where bills unwelcome to the leadership are routinely "disappeared."

It's not that Daschle fails to grasp the political advantage that will accrue to the party that champions investors and workers against nefarious CEOs, as his fast-tracking of the Sarbanes bill makes abundantly clear. But because the Democrats already poll so much better than the Republicans on the question of which party will better protect ordinary Americans, the political imperative of further safeguarding the system from abuse may not have struck Daschle as all that imperative after all, especially after the Democrats' mega-funders in high tech told Daschle that stock options were the holy of holies in Silicon Valley.

It gets worse. Just one day after the House ratified the Sarbanes-Oxley Act with a mere three votes in opposition, the bill reinstating the president's fast-track trade authority was sprung, unheralded, from an all-night conference committee and within twenty-four hours was on its way to W.'s desk. A record number of Democrats on both sides of the Rotunda opposed it. But with Daschle's backing, the bill picked up enough Democratic support in both houses to become law. In the Senate, all four presidential possibilities for 2004—Daschle, John Edwards, John Kerry, Joe Lieberman—voted in favor; running for president without mega-funding from business must seem daunting beyond words. (In the House, Dick Gephardt voted No, but he cannot assume that this will win him the endorsement of the AFL-CIO, which just two years ago backed free-trader Al Gore.)

ALTHOUGH DEMOCRATS may not yet be committed to the substance of populism (and we're talking a suburban, new-age populism here), they are certainly committed to the politics of populism. Barring only Lieberman and the croaking chorus at the Democratic Leadership Council, who seem willfully oblivious to the changes in both the economy and public sentiment, the party is poised to wage its most populist-sounding campaign in decades. Republicans have sought to blur the differences between the two parties on the Democrats' bread-and-butter issues, offering their own inadequate and unpassable bills on prescription drugs and pension reform,

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and caving altogether on the Sarbanes bill that they'd avidly opposed. But they can't escape their support for privatizing Social Security, which looks increasingly like the biggest glass jaw in recent electoral history.

Seniors always constitute a bigger share of the electorate in low-turnout midterm elections than in less-low-turnout presidential elections. This year, the Social Security and prescription drug issues were already working in the Democrats' favor among seniors, and that was before the market sell-off wreaked havoc with their retirement savings. Harping on these issues, on Enron and WorldCom and Halliburton; confident that the public knows that the Republicans and CEOs are thick as thieves; hopeful that the public doesn't make too much of the fact that the Democrats are themselves thick as thieves with a distinctly smaller number of CEOs (the cool ones from high tech), the Democrats take to the field in the fall optimistic that they'll expand their margin in the Senate and may just retake the House. Yes, the number of contestable districts is small. But if the market continues to slide, the recession rears up, and Republican numbers keep tanking, it will take more than the gerrymanderer's art to keep Tom DeLay in control of the House.

Karl Rove Plots Counter-Moves

The wild card that the Republicans are throwing into play this election season is Iraq. That the administration has chosen this fall as the time to make its case for invading Iraq seems un-coincidental. For the first twenty months of the Bush presidency, the threat posed to the United States and its allies by Saddam Hussein's ability to deploy and develop weapons of mass destruction was such that it did not require immediate action. It does not require immediate action now: the invasion the administration is planning is not set until this winter at the earliest. But now is the time that debating and forcing a congressional vote on an invasion of Iraq must proceed. Now, while the state of the economy would otherwise dominate the headlines. Now, while there's time to get congressional Democrats on record against going to war against Hussein. Now, while an otherwise not very encouraging election day looms. From the viewpoint of Bush political consigliore Karl Rove, a better time for beating war drums and threatening Saddam Hussein is unimaginable.

As with corporate reform, the looming war on Iraq has been an issue on which the Democrats have been careful not to over commit themselves. Sensing they can win at the polls so long as voters have economic issues uppermost in mind, they spent the summer content to let the two generations of Bush family retainers duke out the Iraq question all by themselves. It was the strategically savvy thing to do—geopolitically moronic, morally bankrupt, but strategically savvy. So the shift in U.S. doctrine to support for waging preemptive war went unnoted. A party that had been committed to nuclear de-proliferation fell mute before the prospect of preemptive *nuclear* war, and what that precedent could mean to nuclear powers such as India and Pakistan. A party that had criticized Bush for not pursuing an Israeli-Palestinian accord stood silent at the mention of a war that could detonate an already exploding Middle East.

With Bush now seeking congressional blessing for a move on Baghdad, silence is no longer an option for Democrats. But neither has the administration clearly laid a trap for Democratic members. The White House has so mishandled the case for taking out Saddam all by ourselves that nearly two-thirds of Americans oppose an invasion without significant international support, and there is anxiety, too, over the notion of going to war without a precipitating cause. As I write in early September, the pending hearings of the Senate Foreign Relations Committee will likely pose most of the necessary questions about the shape of post-Saddam Iraq and the nature of our commitment to that nation, about the cost to the war on terrorism if we alienate our allies in an Iraqi invasion, about the other upheavals that may roil the Middle East in the wake of such a war, and the myriad other concerns that this strange war raises.

The challenge before Democrats in these hearings and this autumn's discussions is to make the doctrine of preemptive war as unpopular in domestic politics as it is destabilizing in international politics. At minimum, there's enough public skepticism over the

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administration's Iraq policy that the Democrats should be able to chart any number of alternative courses—international weapons inspection, say, backed by the threat of broad international force—without suffering grave political consequences. But this kind of performance would take more guts than the Democrats have shown in the corporate reform wars.

If Rove is counting on Iraq to change this fall's discussion, he also has a succession of niche strategies to move discrete groups of voters from the Democrats' column to the Republicans'. September 11 derailed, for now, at least, his grand vision of creating a guest-worker, neo-bracero program for new immigrants from Mexico in return for legalizing the undocumented Mexican immigrants already here.

After last year's attacks, everything changed. The borders had to be secured, immigrants had to be screened; blanket legalization seemed to go against everything else the administration was saying and doing. But Rove couldn't let the immigration deal just drop. The numbers were clear and alarming: Either Bush boosted his Latino backing by 10 percent, and the Republicans by more than 10 percent, or the Sunbelt—the stronghold of the modern GOP—would be lost. Already, increased black and Latino voter registration threatens the GOP with the loss of a Senate seat in Texas this November. There's no time or political space for Rove to work a deal before this year's election, but this is a task he'll surely take up again in 2003.

This Latino strategy is the most important element of Rove's overall program to expand the Republican coalition beyond economic and social conservatives, business, and five Supreme Court justices. Besides fishing for Latinos, he has twice reached into the Democrats' territory, trying to poach teamsters with the allure of Arctic drilling and steelworkers by imposing steel quotas. (The Teamsters don't seem to need much wooing so long as they think the administration may end the federal monitoring of their union.) Under certain conditions, niche strategies such as these really work. But if the economy grows grimmer, and if Bush's stewardship looks as inadequate as it actually is, steelworkers and teamsters won't stray far from the Democratic fold this year.

The Movement Ponders

In the coming months, the prospect of a war of the kind that the Cheney-Rumsfeld cabal has been promoting in Iraq may evoke a broader, more mainstream antiwar movement than the nation has seen in a very long time. Surely, however, that is not a movement that the self-marginalizing antiglobalization forces that have been in decline since Seattle are capable of building. And when we look to the domestic left's response to the corporate scandals of the past half-year, we find no more grounds for encouragement.

Throughout the summer, as the public turned on business and the GOP, as Democrats pushed for some major financial reforms and eviscerated others, as Republicans groped for ways to hold on to the House, the liberals and the left stood by with open-mouthed amazement. It was twenty-four years ago, with the passage of the tax-cutting Proposition 13 in California, that the war on government and the ascendancy of laissez-faire really began. Then came Ronald Reagan and Papa Bush; then Clinton, who came to power as both free-marketeer and bane of the right; then Newt Gingrich, then Baby Bush—that's a full quarter-century that American liberalism has spent on the defensive, fighting to preserve a program here, stop a privatization there. Then, suddenly, the spell that the market had cast over the public was lifted. And damned if the left knew what to do about it.

So the Sarbanes-Oxley bill snaked through the Congress, and precious few liberal groups could come up with a more ambitious agenda for the Democrats (which sure made it easier for the Democrats to stop right there and check with their money guys to see where it was safe to go next). The agenda dearth came complete with an activism deficit: hardly anyone was taking it to the streets.

Nothing so befuddles as a sudden expansion of the limits of the possible, and are liberals ever befuddled! Abruptly, it's time to send the offensive team on to the field, but after decades on defense, that's no easy feat: Do lib-

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erals still have an offensive team? Do they even have an offensive playbook?

Only one group has come forward with a program and a plan: labor. Since midsummer, the AFL-CIO has been promoting serious corporate and financial reform. Its leaders want workers to get first dibs on the assets of miscreant companies gone belly-up; they want workers to elect the trustees of their retirement funds; they want to reform the election of corporate directors; they want to eliminate stock options altogether. Many of these proposals emerge directly from the multitude of shareholder challenges that union pension funds, under the coordination of the Federation, have waged against corporate management.

It's an ambitious agenda, made possible solely by the three trillion dollars in union-controlled pension funds. Note, however, that the arena of struggle isn't the plant gate, where union power ain't what it used to be. It's the annual shareholder meeting. So steeply has the playing field tilted toward capital and away from labor that unions have leverage in this battle not as workers, who could withhold their labor, but as investors, who could challenge the board. You can't do all that much with a membership that's dwindled to 13 percent of the workforce, but with three trillion dollars in pension funds, you're in the game.

The question is, how much can labor get for its money? Corporate reform is important, but not, for unions, an end in itself. Can labor amass enough boardroom clout to get major corporations to abandon their rabid opposition to organizing drives? Can unions enlist more pliable corporations in a long-term campaign to reform labor law so that it actually protects workers? Those are the real pay-offs that workers need.

Purists who insist that union power was never built by wielding a big checkbook should review the history of the CIO. In 1936, John L. Lewis scraped up five hundred thousand dollars from the Mineworkers treasury—real money in those days—and handed it over to Franklin D. Roosevelt's re-election campaign. What he bought was Roosevelt's effectively pro-union neutrality (that is, FDR didn't send in the army) during the month-long sit-in the auto workers waged against General Motors later that winter. What he bought was the birth of industrial unionism in America.

That's what progressives should be pushing for now—the reinvention of workers' rights, regulated capitalism, public provision, and social responsibility. These things require Democratic victories this November and two years hence—entirely plausible prospects. They require some dreaming and some planning, some organizing and some rage. But the world has changed, and suddenly, these things are possible. ●

HAROLD MEYERSON is editor-at-large of the *American Prospect*.

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Solidarity, Whatever

WHAT WAS THIS? I'd been invited to some Washington think tank for a May Day symposium on socialism, which also seemed to be a reunion of the old Shachtman-Meany-Kirkland Social Democrats USA.

What strange error had led the planners to invite a former executive committee member of the Democratic Socialist Organizing Committee such as I to their fish-fry? Many of these SDers hadn't been social democrats for decades; for some, the group had been a halfway house on their journey from Leon Trotsky to Oliver North. Speakers included some erstwhile SD stalwarts (Josh Muravchik, Penn Kemble, and Sandy Feldman) and battle queens of yore (Jeanne Kirkpatrick). Music by Ron Radosh. Fun for the whole family.

But, wait, also speaking were the *New Yorker*'s Rik Hertzberg and *Dissent*'s own Paul Berman: Harrington-Howe (not Shachtman) socialists. "Reunion" seemed a bit of an overstatement, since, when the day came, a number of attendees from both traditions were united mainly in the belief that it was those other guys who had been wrong then and were wrong now.

Clearly, this was not the case for convener Penn Kemble or American Federation of Teachers president Sandy Feldman, both of whom exuded a more catholic sense of camaraderie and who seized a middle ground—gainsaying nothing of the SDs' cold war zealotry, but rejecting the laissez-faire lunacy many of their onetime comrades now espouse. And indeed, it wasn't Kemble's and Feldman's SD buddies, but Berman and Hertzberg who came to social democracy's rescue. Berman praised the Socialist International in 1889 for laying out the civil and social rights that the socialist parties and union movements of the West then actualized during the subsequent century. Both Harringtonians spoke of the roots and achievements of actual, existing social democracy.

Muravchik and Kirkpatrick would have none of it. Socialism, they countered, had been so rooted in class struggle, so utopian in vision, that it was complicit in the rise of all modern totalitarianisms. Both directed their fire at nineteenth-century utopian Robert Owen, though Kirkpatrick's main target was Socrates, a proto-totalitarian with living habits worthy of a San Francisco Democrat (her gay-baiting characterization of the mid-eighties Democratic Party). Muravchik attacked democratic socialism for impeding freedom-maximizing markets. The folly of their comrades was cause for sneering and some venomous mirth.

This was a bit much for the vintage Norman Thomas socialists in the crowd, and for none more so than an old social democrat, who as head of the Jewish Labor Committee had been a close ally of the Meany-Kirkland wing of labor. And so as attendees entered the hall, there was Josh Muravchik's father, Manny, eighty-five-years-old, breathing through oxygen tubes, handing out his own two-page Xeroxed affirmation of socialism. It began with expressions of pride in his son's new book, *Heaven On Earth: The Rise and Fall of Socialism*, Josh's take-down of the socialist experience. And that done, Manny let the reader know that his own life, and that of Josh's mother, would be impossible today absent the very sort of anti-market reforms—Medicare, rent-controlled apartments—for which they'd worked while Josh was still a *pisher* and toward which he sounded at best ambivalent today.

In short, the symposium turned out to be an old-time family reunion after all. All the cousins had their own interpretations of the clan's rocky history, while father told son that if there was a utopian impulse to be feared, it was that messianic laissez-faire nonsense he must have picked up once he'd left home. *You think your mother and I could survive in your perfect world, Mr. Capitalist Shill?*

Fun, as I said, for the whole family.

—HAROLD MEYERSON

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Business Scandals and Democracy

Mark Levinson

"CHILDREN AND economists," Robert Lekachman once said, "may think that the men at the head of our great corporations spend their time thinking about new ways to please the customers or improve the efficiency of their factories and offices." After the revelations about Enron, Arthur Andersen, Global Crossing, Tyco, Dynegy, Adelphia, and WorldCom, most children no longer believe this. As for economists, well, apparently many of them don't read newspapers.

Last summer, in the midst of one of the largest business scandals in seventy years, Alan Blinder, an economist at Princeton University, a former economic adviser to President Bill Clinton, and vice chairman of the Federal Reserve Board, told the *New York Times*, "If you go around asking academic economists, 'Do you think we should re-regulate the airlines or trucking or any other deregulated industry?' you would get no votes."

Adam Smith was a bit more sensible. He described those who "live by profit" as men who have "an interest to deceive and even to oppress the public." Sometimes the deception gets out of hand—as it did in the 1920s when business excesses led to the Great Depression in the 1930s—and then government steps in to regulate. For almost fifty years the regulations put in place by the New Deal—the Securities and Exchange Commission (SEC) reviewed company accounts, the Glass-Steagall Act separated investment houses from commercial banks, the Federal Trade Commission and the Justice Department limited mergers and monopolies, strong unions protected workers—were effective in preventing widespread business scandals and financial corruption.

Then some twenty years ago, corporations launched an attack to limit the power of government. The turning point was the election of Ronald Reagan. Immediately upon taking office, Reagan created the Presidential Task Force on Regulatory Relief, chaired by Vice President George Bush. Its goal was to remove government oversight of business practices and reduce or eliminate the accountability of corporations and their officers to the public. It did its work. Enforcement budgets were slashed.

By the end of the decade the deregulated savings and loan industry was bust (the cost to taxpayers: several hundred billion dollars), and Ivan Boesky and Michael Milken were in jail for their part in a massive insider-trading scandal. The crimes back then were not petty larcenies, although Milken's hired guns, along with people who have a heavy ideological investment in the "greed is good" philosophy have done all they can to make us think otherwise.*

In retrospect, the scandals of the 1980s appear as warnings of worse to come. Reading about them today, it seems obvious that this is what happens when deregulation goes too far. But the corporations, investment houses, banks and law and accounting firms continued supporting—lavishly supporting—academics and politicians who would toe the deregulation line.

*Milken was the target of a ninety-eight-count criminal indictment and a massive civil case filed by the SEC. The charges against him included insider trading, price manipulation, falsifying records, filing false reports, racketeering, and defrauding customers. Milken never went to trial on the many charges against him. In return for pleading guilty to six relatively minor securities violations, he was fined six hundred million dollars, sentenced to prison for a decade (he served twenty-two months), and barred from the securities industry for life. Milken now runs a think tank, publishes an economic journal, and is a hero to many on the right.

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The corporate funded, right-wing think tanks played a particularly important role. Their academics "proved" again and again that all that needs to be done to create heaven on earth is for the government to get out of the way. The markets can police themselves. The academics provided cover for the legislators, who didn't want to believe they were doing what they did simply because they were being paid to do it.

The billions of dollars that corporations spent for political contributions, right-wing think tanks, lobbyists, and television advertising had an impact. Both major political parties have received dramatic increases in contributions from big companies. Corporations have accounted for nearly 90 percent of all soft money contributions to the parties since 1995, according to the Center for Responsive Politics. This money has not been wasted. In 1987, the splendidly named Competitive Equality Banking Act, passed by a Democratic Congress and signed by President Reagan, contributed to the savings and loan debacle. And it was Bill Clinton who signed the Financial Services Modernization Act of 1999, the most sweeping banking deregulation bill in American history.

In 1995, the Gingrich conservatives took over Congress and acted as if the scandals of the 1980s had never happened. Gingrich called regulation one of the "great enemies that killed the entrepreneurial spirit." "It's not business," he said "that needs more regulation and limitation—but government itself." When asked if there were any federal regulations he would choose to keep, Majority Whip Tom DeLay said, "Not that I can think of." Even though many of the more extreme planks of the Contract with America were not enacted, the anti-regulatory environment created by this relentless assault led us to the culture of corporate rot that has now come to light.

The centerpiece of Gingrich's Contract With America was the Private Securities and Litigation Reform Act. Passed in 1995 over Clinton's veto, the bill shielded outside accountants and law firms from liability for false corporate reporting and made it more difficult for shareholders to bring suit against fraudulent reporting. A flood of corporate misstatements has followed; nearly a thousand companies have had to restate misleading reports in the last five years.

While deregulation was freeing companies from legal constraints, companies were covering themselves with ethical gloss. Codes of conduct sprouted like weeds. Major corporations created ethics officers. Business schools endowed chairs in business ethics. Funds promising to invest in ethical corporations attracted billions of dollars.

SELF-REGULATION was the order of the day. Concerned about sweatshops? No need for laws or government bureaucrats. Companies would enforce their codes of conduct. Don't trust the companies? "OK," the companies responded. "We'll hire private monitors to enforce our codes of conduct. And we will hire the best. I mean real professionals who know about monitoring. We will hire PriceWaterhouse and Arthur Andersen to make sure we enforce our code of conduct against sweatshops." It was, of course, all a fraud. Many who should have known better went along, giving legitimacy to the charade.

Enron, for example, won a spot for three years on the list of the hundred best companies to work for in America. It received environmental awards. It had great policies (on paper) on human rights, climate change, and anti-corruption. Its CEO gave speeches at ethics conferences and put together a statement of values emphasizing "communications, respect, and integrity." The company's stock was included in many social-investing funds.

Enron fooled many people. But Enron was not the problem. The corporate responsibility movement concealed the truth about corporate power and provided a convenient rationale for not doing anything about it.

As I write in the summer of 2002, there are ten House and Senate investigations of Enron. None are focusing on how Enron was able to obtain its extensive political influence. Although the reasons for Enron's financial failure (the accounting gimmicks, the insider greed, the outright fraud, the mismanagement) have become evident, there is only scant information available about Enron's extraordinary rise, which appears to have been accomplished

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largely by buying political influence.

California representative Henry Waxman has identified a number of examples of possibly improper influence by Enron:

- The White House Energy Plan reflects seven of eight recommendations made by Enron;
- Enron opposed price caps for soaring electricity prices in California, informed Vice President Dick Cheney of its position—and he also opposed the price caps;
- The White House assisted Enron in its negotiations with the government of India regarding the sale of a $2.9 billion power plant. Cheney personally intervened.
- The president appointed to the Federal Energy Regulatory Commission people specifically requested by Enron; and
- President Bush reversed the Clinton administration's crackdown on offshore tax havens. As a result, Enron was able to shield the transactions of more than eight hundred offshore subsidiaries—and did not pay taxes on their income.

Corporate influence in both parties means that for the last several decades corporations have written the rules by which they are "regulated," or, in fact, not regulated. As a result, we are confronted with the wholesale, organized corruption of the markets that, so we have been repeatedly assured by conservative ideologues, are the glories of democratic capitalism. The Bush administration, the business community, and, unfortunately, many Democrats, see the current wave of corporate malfeasance as a problem that can be fixed by tougher enforcement of existing laws and new penalties for corporate lawlessness.

But the problem goes much deeper than that. We have witnessed not just a financial scandal but a political scandal that exposes the consequences of unchecked corporate power. Unrestrained economic power is the enemy of a good society. It exacerbates inequality, narrows political debate, and leads to cynicism and despair. The political significance of the business scandals

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lies not in how many seats the Democrats capture in the House this November (important as that is), but rather, whether this scandal will drive people to build unions and other political organizations strong enough to be a counterweight to corporate power. The aim of the movement to bring corporate power under political control has a name: democracy. ●

MARK LEVINSON is chief economist at the Union of Needletrades Industrial and Textile Employees.

In Defense of Multilateralism

Junius

THE ARGUMENT seems easy: the International Criminal Court represents a significant step toward a global rule of law, and the United States should be part of it. That's ultimately right, but the argument is more complicated, and there are political as well as legal reasons for supporting American participation.

The Court will, of course, be used for political purposes. George W. Bush's administration is right on that point, and it seems silly to deny it. Even in well-ordered domestic societies, the judicial process can be politically exploited: think of the role of the Supreme Court in our last election. In international society, where the rule of law is still a distant dream, politics is almost certain to determine the early course of the ICC. And it is entirely certain that there will be efforts to focus prosecutorial energy on Americans abroad. In many parts of the world, the Court will be viewed primarily as an instrument designed to set limits on (our) hegemonic power. How one feels about that depends, I suppose, on one's position in the world. Taking a long view, Americans may one day be very happy to see the next hegemon (China, say) constrained by judicial authority. But the debate about the ICC offers liberals and leftists a chance to argue for something more than this: not a constrained but a shared hegemony.

The current American position goes something like this: when war is just and necessary, as in the Gulf in 1991 or in Kosovo in 1999, it is the United States that bears the brunt of the fighting. Our European allies oppose American unilateralism only this far: they want a role in deciding when war is just and necessary, but they are content, once the decision is made, to leave most of the fighting to American soldiers. Americans are supposed to accept the risks of war (and are criticized, sometimes rightly, for fighting at long range so as to reduce those risks), and we are also supposed to accept the legal liabilities. It is American soldiers, and hardly anyone else, who will be accused of war crimes—and they will be accused both when there are legal reasons to think that crimes have been committed and when there are political reasons to pretend that crimes have been committed. Why should we expose our soldiers to this liability when, in fact if not in principle, no other country's soldiers are similarly exposed? (Actually, Israel's soldiers will be similarly exposed. Almost every international organization is currently mobilized against Israel, and there is no reason to think that the ICC won't be. So Israelis might well want the United States fighting from the inside to set limits on the Court's politicization.)

But the administration's argument assumes the permanent unilateralism of American warmaking. As in Afghanistan, the Bush people prefer to be in full charge, acting alone or virtually alone, consulting no one. They are happy to bring in allied forces, but only after the fighting is over, to help in peacekeeping. And America's allies are not in fact unhappy about this role, whatever they say about it, because it frees them from the expense of raising and

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equipping a modern army. I learned recently that the German soldiers sent to Afghanistan as peacekeepers flew there on rented Russian planes. The Germans have created a rapid deployment force but have not invested in the means to deploy it. The case is similar across Western Europe, in virtually every area of military endeavor. This means that the Europeans are in the morally ambiguous position of claiming a role in decision making while remaining unready to share in the risks of decisions made. The Bush administration exploits this moral ambiguity to argue against multilateral decision making. But liberals and leftists both here and in Europe, it seems to me, should be arguing the other way around: against unilateral warmaking. We should seize the occasion of the ICC debate to insist that the best way to avoid exposing American soldiers to political prosecutions is to make sure that European (and other) soldiers are similarly exposed. The eagerness to invent war crimes will be greatly diminished if war, when it is just and necessary, is a genuinely multilateral engagement.

THIS REQUIRES that European countries (and others too, but right now the NATO states are the relevant ones for this discussion) be ready to send soldiers into battle. Americans and Europeans will have to argue about when to do that, but the readiness to do it is a moral necessity. If there is to be equal liability in the courtroom, there has to be equal risk on the battlefield. I don't understand how Europeans can be so outraged at America's refusal to join the Court when they are so unwilling to join the battle. On the other hand, the Bush administration invites the outrage by its refusal to join even in peacekeeping efforts (in Bosnia, as I write) where multilateral engagement and multilateral liability are already in place. Wherever the risks of engagement are shared, there is no excuse for refusing to share the legal liabilities.

In fact, we should join the ICC now, even when the risks are not yet (fully) shared. Joining would be a signal of what is hardly apparent today: American support for multilateralism down the road. And meanwhile, in addition to constraining American hegemony, the court will also set up mechanisms useful to everyone, Americans included, for conciliation and reparation in cases of injury and criminal action. Bush's lawyers apparently see these mechanisms only as potential problems. In fact, however, we will greatly enhance the legitimacy of our military operations in foreign countries if we acknowledge the possibility of external judicial review. Consider the bombing of an Afghan wedding party this summer, now under investigation by the U.S. air force. This is an example of warfare from a great distance, with very low risk for the American pilots involved but high risk, apparently, for civilians on the ground. How can we claim exclusive jurisdiction? The ICC could bring a just closure to cases like this (if anything like criminal negligence is involved), in a way that no U.S. military or civil court could possibly do. We have submitted American soldiers to the jurisdiction of foreign courts before this—in Japan, Germany, and Italy, for example—so why not to the jurisdiction of an international court that we will have, or could have, a hand in creating?

And from this beginning, some future U.S. administration could pursue a fuller multilateralism, insisting that other countries involve themselves seriously and substantially, along with us, in the risks of humanitarian interventions, just wars, and international peacekeeping. ●

JUNIUS is an occasional contributor to *Dissent*.

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Failed Democratization in the Arab World

Shlomo Avineri

Because al-Qaeda's ideology is rooted in an extreme version of Islam, post–September 11 discourse has focused mostly on ways that Islam may, in certain circumstances, give rise to bin Laden-like phenomena. This sort of approach is both facile and wrong, on factual as well as normative grounds. It leads either to the demonization of Islam and Muslims or to their portrayal as the archetypal Other. It also diminishes the chances of finding credible allies for the West within moderate Muslim nations and may give rise to an Islamic defensiveness that will only intensify alienation between the Occident and Orient (if one may still use these antiquated and politically incorrect terms). Moreover, the facts do not uphold the claim that Islam, democracy, and modernization are incompatible.

As we look at Muslim countries, Turkey is perhaps the most interesting case. The Turkish political system is deeply flawed in many ways, especially regarding important issues of human and minority rights. Yet in the last eighty years, Turkey has undergone fundamental change. It secularized its political system, established a robust multiparty parliamentary life, and held relatively free elections. There is a free press (although with serious limitations when it comes to Kurdish issues). The army's role as guarantor of Kemalist secularism is surely problematic, but it is something quite different from countries ruled by simple military dictatorships. I don't mean to justify military intervention in the Turkish political process, yet this distinction is of some importance. The Turkish army hasn't taken political power in order to stay in political power. Furthermore, Turkey's economic development has been remarkable (despite recent difficulties). Recent constitutional reforms, especially those regarding Kurdish rights, are further encouraging. The fact that the European Union is ready to consider Ankara for membership, despite reservations, suggests how far this country, which straddles two continents, has come. Islamic extremism is a problem, yet it is posed within a basically modern and fairly liberal society. The recent parliamentary crisis does not change this situation in any basic way.

Indonesia and Bangladesh, despite their differences, are populous Muslim societies that have attempted (Indonesia) or maintained (Bangladesh) multiparty systems. There is a relatively free press in both of them, despite difficult socio-economic conditions. Even Pakistan, currently under military rule, has experimented at various times with a multiparty system.

Iran should convince even skeptics that an Islamic republic has the potential to move in a democratic direction. This regime, which had its start in a bloody revolution, steeped in an intolerant version of Shia Islam, has begun to evolve in a more promising direction. Its institutional structure should not be stereotyped, despite political ups and downs. There are parliamentary and presidential elections in Iran, and although all contenders must be approved as legitimately Muslim by religious authorities, elections are contested. The election of President Mohammad Khatami, and the last Majlis (parliamentary) vote, suggest the emergence of limited pluralism. Despite having to wear the chador, women may vote, participate in political life, and probably were responsible, together with young people, for Khatami's election. Real debates occur in the Majlis, with voting and coalition building. The country's Islam-based Constitution guarantees religious minorities (Christians, Jews, and Zoroastrians) seats in Parliament, and although mainly symbolic, this suggests the possibility of limited

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tolerance even under the Islamic Republic. Whether Iran's political system will open further or not depends on various internal and external factors. (George W. Bush's "Axis of Evil" speech did not help.) But the potential is there.

YET SIMILAR developments cannot be found among the members of the Arab League. Before turning to them, I should note that although Islam as such is not a hindrance to democratization and modernization, it has had a long, conflicted relationship with the West and Christianity that other religions (Hinduism and Buddhism, for example) do not have. Islam is, after all, a culture and a religion that fought Christianity for world hegemony—and lost. Its theology clearly distinguishes between the Camp of Islam (*Dar al-Islam*) and the Camp of War (*Dar al-Harb*), and a residue of this dual worldview remains in current thinking and behavior. Osama bin Laden called the *mujahedeen* victory in Afghanistan (over the Soviets) the first Islamic victory over a European power since the Ottoman defeat at Vienna in 1683; his manifesto's proclamation of war against "Crusaders and Jews" touches longstanding sentiments. Although such sentiments may be occasionally strong among Muslims, they haven't prevented some non-Arab Muslim societies from developing in democratic directions. Nevertheless, not one of the twenty-two members of the Arab League is a democracy, or even a flawed democracy. None have experienced serious attempts at democratization, either from above or from below. In the last decade and a half, while countries from Eastern Europe to Latin America and sub-Saharan Africa have sought to democratize, no Arab state has faced a movement like Solidarity or had a leader like Mikhail Gorbachev. There is no easy explanation of this unique democracy deficit. A number of factors contributed, and together raise the question of what might be called, with some hesitation, an Arab *Sonderweg* (special way).

Trauma and Ambivalence

Arab nationalism has a historical narrative. The encounter with the West is central to it. It led to an ambivalent relationship combining emulation, resentments, and the development of defense mechanisms. When Europeans think of Napoleon's abortive campaign in Egypt, they associate it with Champollion and the Rosetta Stone. For Arabs, it was the first of many European military incursions—incursions that spelled defeat for Muslim (and Arab) forces but that also brought the ideas of the Enlightenment to the Middle East. European ideas became associated both with military conquest and Christian missionary activity. Consequently the emancipatory messages of the Enlightenment and the French Revolution were tainted. Western ideas were nonetheless embraced by many Arab intellectuals in the belief that *ex occidente lux*. Contemporary scholars such as Fouad Ajami or Sadiq Jelal al-Azm suggest that all attempts among the Arabs to adopt European political ideas ended in disappointment. Parliamentary experiments occurred in the 1920s and 1930s in Arab countries under the British or French League of Nations mandates (or under direct British hegemony in Egypt). All ended in failure. In the 1930s and 1940s, fascism fascinated many Arab leaders and intellectuals in Iraq, Syria, Egypt, and Palestine—with catastrophic results. After the Second World War, tiers-mondiste socialism, Marxism, and secular nationalism became the lodestars of Arab intellectuals. But Nasserism and Ba'athism led to political and military defeats, such as the 1967 war with Israel. After so many failed attempts to seize European ideas, it is not so surprising that a return to Islam—to an idealized, pristine model of Islam—seemed to many to be the only option left. Islam is a return to "roots"—a return from Western, corrupting "exile." Democratic alternatives are nowhere on the agenda (except for some recent encouraging but atypical proposals by Bahrain's ruler). Attempts to democratize the Palestinian Authority, although well-intentioned, are obviously doomed. How can the Palestinians, under conditions of Israeli occupation, with their society and institutions deeply contaminated by suicide terrorism, achieve what Egypt and Saudi Arabia have failed to achieve under conditions of independence and statehood?

In fact, the Arab world is not politically homogenous. There are diverse forms of govern-

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ment and social and economic structures. Some Arab countries are small, others are large; some are densely populated, others have sparse populations spread over large terrains. Some are poor, others are among the world's richest lands; some are traditional monarchies, others are military or party dictatorships. Some are mildly authoritarian, others are harsh tyrannies. Many Arab states have experienced coups d'état, putsches, military insurrections, or violent uprisings; but none have pursued real political liberalization. It is worth noting that scholars of comparative politics have not addressed this singular reality. The scholarly literature about democratic transformation by such political scientists as Juan Linz, Alfred Stepan, or Wolfgang Merkel discusses regions where reforms have (more or less) succeeded (Eastern Europe or Latin America, for example). But it doesn't address the political stagnation of Arab countries. Until the recent publication of the "Arab Human Development Report," sponsored by the UN Development Program, this has been a taboo subject in internal Arab political discourse. Now, for the first time, a group of courageous Arab intellectuals has dared to address the Arab democratic deficit.

The lack of democracy leaves the field open to extremists, partially licensed by government authorities. Egypt's regime is authoritarian, but not harshly so (compared, for instance, with those of Iraq or Syria). Still, political party activity is discouraged and extreme Islam is persecuted. As one result, mosques are the only places in which people can congregate freely. But they are subject to political indoctrination of one sort or another inside them. The alliance between the House of Saud and the Wahhabi religious establishment in Saudi Arabia leaves education and control of public morality in reactionary, anti-Western hands (with institutions at their disposal such as the "Ministry for the Prevention of Vice and the Promotion of Virtue"). Look at Saudi textbooks and you will see that what bin Laden practices, Saudi schools preach and teach. The September 11 killers came mostly from Saudi Arabia and Egypt. Tension between social reality and Western temptation creates disorientation; this leads some young, educated Arabs to extremism. The September 11 hijackers were not illiterate peasants. Among them were highly educated people, some educated in the West.

Sayyid Qutb, who was executed by Gamal Abdel Nasser and was one of the forefathers of today's fundamentalism in Egypt, provides a historical prototype. He began his journey to extremism after a government-sponsored tour of the United States. His exposure to American culture, to what he took to be liberated women, to consumerism, and to materialism turned him into an ideologue of jihad against the West. He saw America and the West as pagan societies, a new form of pre-Islamic *Jahiliyya* (the pre-Muhammad era of "ignorance" in the Arabian peninsula). Islamic extremist propaganda now often characterizes modernity as neo-*Jahiliyya*.

Double Economic Failure

Economic failure has accompanied political failure in the Arab world. After oil money transformed the Gulf states in the late 1960s and early 1970s, many Arab intellectuals believed that a new golden age would come. They hoped the whole Arab world would be led to prosperity. It did not happen. Like Spain and Portugal in another age—when these kingdoms had easy access to Mexican and Peruvian gold and silver—Saudi Arabia and Kuwait used their wealth for consumption instead of developing industries and production. They invested in Western stock exchanges rather than in creating an all-Arab prosperity zone and uplifting the Egyptian masses (for example) from their abject poverty. All this brought deep resentments from Arab intellectuals. Egyptian intellectuals, in particular, looked at the incredible wealth of Saudi Arabia and the profligate lifestyle of many of its princely leaders and came to scorn the religious presumptions of the Guardians of the Two Shrines (Mecca and Medina). One Egyptian intellectual privately commented that he now understood how Martin Luther felt about the sixteenth-century papacy. Bin Laden's radicalism did not start with a critique of the United States. It started with opposition to the Saudi dynasty's religious hypocrisy and then turned against the United States after American troops were stationed in the Holy Land of Arabia after the Gulf War.

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Forty years ago, bin Laden might have turned to communism or Nasserism. These options are no longer relevant. Young people who might have become supporters of Che Guevara now turn to bin Laden. It is the internal tensions of Arab societies, and their lack of legitimate avenues for social and political criticism, that exploded, violently, on the banks of the Hudson and the Potomac.

Similar circumstances also help to explain the support many radical Arab intellectuals gave to Saddam Hussein's occupation of Kuwait. Saddam announced that the road to Jerusalem led through Kuwait, and this helped to legitimate him as a potential Saladin. But it was the deep resentments toward Kuwait's oil-rich rulers that led many Arab intellectuals to hail Saddam. It seemed as if the sheikhs finally would get what they deserved.

This double economic failure in the Arab world—the failure to share the wealth and the failure to develop economically—turned many middle-class Arabs against the West as well as against their own leaders. An Egyptian intellectual once observed that had the Saudis and Kuwaitis invested only 10 percent of their oil income in Egypt, the whole region could have become another Japan or South Korea. Arab intellectuals know that the per capita GNP in Egypt and South Korea was the same in 1950. They cite this fact again and again.

Breaking the Shackles

So the real problem begins locally. That is the first thing that must be recognized. American policies and Israel's behavior (or even its existence) are not the roots of the rage that led to September 11: The root is the failure of Arab—let me repeat, not Muslim—societies to come to terms with modernity, economic development, democracy, and liberalism. I know it has been taboo to say such things. Because Egypt supported the Israeli-Palestinian peace process, and itself made peace with Israel, Western criticisms of its authoritarian regime have been muted. A case in point is the shameful silence of the United States and the European Union in the case of Sa'ad Eddin Ibrahim, the academic who has been imprisoned and persecuted in Cairo on trumped-up charges. His real sin is being independent, a nonconformist, and a democrat. And so long as Saudi oil flowed freely, so long as petro-dollars were invested in the West, so long as the Saudi government seemed stable—why complain about the almost totalitarian nature of its regime, about its religious intolerance, its oppression of women or the Shi'ite minority?

These issues must now be addressed. The lack of democracy and openness in Arab societies is the "root cause" of the Islamic extremism that is now being exported from those countries. Political dialogue with Arab countries can no longer bypass these issues. Here are some ways to address them—firmly, but with empathy and understanding:

1. Change the Euro-Mediterranean dialogue.

Americans and Europeans have to change their dialogue with Arab authoritarian regimes. It is impossible to avoid the issues of democracy and liberty. The Euro-Mediterranean dialogue should not continue on its present course, where everything is discussed—from medieval philosophy to abstract ruminations on theology and human rights—except the democracy deficit in Arab countries. Discussions among European and Arab intellectuals about Thomas Aquinas, Avicenna, and Maimonides are all fine, but it's time to include the Enlightenment—Locke, Voltaire, Rousseau, and Mill. The absence of Arab counterparts to these Western thinkers should not make this conversation taboo. On the contrary, dialogue is enhanced by bringing out differences. Politically correct one-dimensionality stifles fruitful debate. This conversation should be pursued with all due respect to cultural differences, and with respect toward Islam and its heritage. But polite evasiveness precludes real dialogue. Indeed, it smacks of hegemonism and arrogance.

2. Raise the basic issues.

The United States and the European Union must raise basic political and economic issues with their Arab counterparts and not allow them to change the subject. Perhaps it is too early to set up a Euro-Mediterranean Organization for Security and Cooperation in Europe. But just as the Helsinki Accords served to bolster dissent in the Soviet bloc, so the United States and European Union should

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present realistic suggestions to the Arab world as part of a "dialogue of civilizations." If Andrei Sakharov was once a symbol and a battle cry, Sa'ad Eddin Ibrahim should be today.

3. Avoid dogmatic fixations.

Dialogue should be pursued realistically and without dogmatic fixations. Western input into the Arab political discourse should not turn into another imperialist imposition. Tact and understanding are necessary, but a fawning idealization of Islam is just as counterproductive (and historically and morally false) as a facile demonization of it.

4. Strengthen civil society.

Civil society needs to be strengthened in Arab countries. American and European foundations can be of enormous help. German foundations are already active in some Arab countries, and they are especially well placed because there is much less resentment against Germany than against Britain and the United States. (Germany was not a colonial power in the Middle East. There are also other reasons, some of them unpleasant, why Germany is popular in the Arab world. Whatever these reasons, Germany's easier access to some elements of Arab society should be put to good use.)

5. Use Turkey and Iran as examples.

There is Arab reluctance to look to Turkey and Iran because of the historical enmity of Arab nationalism toward both countries. (The enmity is not always acknowledged, and is often unknown to Western observers, including some self-styled experts on Islam, who know holy texts but not profane and historical contexts.) Although Turkey and Iran differ from the Arab world, their experiences have something to offer.

6. Strengthen political parties and encourage political reform.

This is a forbidden topic in many Arab countries, especially Saudi Arabia. It might be best, given Saudi sensibilities, to urge change tactfully, through private advice, not public statement. European interlocutors may be more adept at this sort of diplomacy than Americans. But no alibis should be countenanced ("let's first solve the Palestine issue").

THESE ARE long- and short-term strategies, and they will require some difficult decisions. They will not solve the immediate issue of destroying al-Qaeda's cells. But they can help—to use a quasi-Maoist expression—to dry out the sea in which extremists swim. They may also help finally bring an important part of the world into the orbit of modernization and democracy. The historical marginalization of the Arabs has to end. Regardless of debates about globalization, the underlying tenets of modernization—Enlightenment, the promises of liberty and equality, the emancipation of women—can no longer be excluded from Arab public discourse. The UNDP-sponsored report openly focused on the Arab democratic deficit, yet failed to suggest the reasons for it. They now have to be addressed openly, and realistic mechanisms for change have to be proposed. Clinging to an apparent *Sonderweg* has already produced September 11, after keeping tens of millions of people shackled in a pre-modern world characterized by intolerance, the lack of freedom, and poverty. ●

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The Four Wars of Israel/Palestine

Michael Walzer

THE GREAT SIMPLIFIERS are hard at work, but Israel/Palestine has never been a friendly environment for them, and it is especially unfriendly today. They are bound to get it wrong, morally and politically, and that is a very bad thing to do, for the stakes are high. There isn't one war going on in the Middle East, and there isn't a single opposition of right and wrong, just and unjust. Four Israeli-Palestinian wars are now in progress.

- The first is a Palestinian war to destroy the state of Israel.
- The second is a Palestinian war to create an independent state alongside Israel, ending the occupation of the West Bank and Gaza.
- The third is an Israeli war for the security of Israel within the 1967 borders.
- The fourth is an Israeli war for Greater Israel, for the settlements and the occupied territories.

It isn't easy to say which war is being fought at any given moment; in a sense, the four are simultaneous. They are also continuous; the wars go on even when the fighting stops, as if in confirmation of Thomas Hobbes's definition: "For war consisteth not in battle only, or the act of fighting, but in a tract of time wherein the will to contend by battle is sufficiently known . . . " Throughout the course of the Oslo peace process, some Palestinians and some Israelis were fighting the first and fourth of these wars—or, at least, were committed to fighting them (and their will to contend was sufficiently known so that it could have been dealt with). The actual decision to restart the battles was taken by the Palestinians in September 2000; since then, all four wars have been actively in progress.

Different people are fighting each of the four wars at the same time, side by side, though the overall emphasis falls differently at different times. Our moral and political judgments have to reflect this complexity. Taken separately, two of the wars are just and two are unjust. But they don't appear separately in the "real world." For analytic purposes, we can begin by looking at them one by one, but we won't be able to stop there.

1. **The war against Israel**: this is the war that is "declared" every time a terrorist attacks Israeli civilians. I believe that terrorism always announces a radical devaluation of the people who are targeted for random murder: Irish Protestants in the heyday of the IRA, Europeans in Algeria during the National Liberation Front's (FLN) campaign for independence, Americans on September 11. Whatever individual terrorists say about their activities, the intention that they signal to the world, and above all to their victims, is radical and frightening: a politics of massacre or removal or of overthrow and subjugation. Terrorism isn't best understood as a negotiating strategy; it aims instead at total victory, unconditional surrender. The flight of a million and a half Europeans from Algeria was exactly the sort of victory that terrorists seek (the FLN was helped in its project, it should be remembered, by terrorists on the European side).

Israel's Jewish citizens have to assume that something similar is what Palestinian terrorists are seeking today: the end of the Jewish state, the removal of the Jews. The language of incitement—the sermons in Palestinian mosques, the funerals where the "martyrdom" of suicide bombers is commemorated, the slogans shouted at political demonstrations, the celebration of terrorists as heroes in schools run by the Palestine Authority (PA)—makes this intention clear, and it is the explicit goal of the leading terrorist organizations, Hamas and Islamic Jihad. But can it be called the goal

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of the Palestinian liberation movement taken as a whole? Is this what Yasir Arafat is really after? It isn't easy to read him; he may think that he is using the terrorists; he may even hope one day to kill or exile them as the Algerian government did to its terrorists in the aftermath of independence. But clearly, whatever his ultimate intentions, he is right now a supporter or at least an accomplice of terrorism. (A note to European critics of Ariel Sharon: on any account, including that of Palestinian oppositionists, Arafat is more involved in the terrorist campaign than Sharon was in the Sabra and Shatilla massacre.) His distancing gestures, the occasional arrests, and the perfunctory condemnations after each attack long ago ceased to be convincing; he cannot be surprised if ordinary Israelis feel radically threatened. This first war is a real war, even if it looks right now like a losing war with terrible consequences for the Palestinian people and even if some (or many) Palestinians believe themselves to be fighting a different war.

2. The war for an independent state: this is the war that leftist sympathizers in Europe and America commonly claim that the Palestinians are fighting, because they think that this is the war the Palestinians should be fighting. And some (or many) of them are. The Palestinians need a state. Before 1967, they needed a state to protect them against Egypt (in Gaza) and Jordan (on the West Bank); since 1967, they need a state to protect them against Israel. I have no doubt about this, nor about the Palestinian right to the state they need, even though I believe that the original seizure of the West Bank and Gaza was justified. In 1967, the Arabs were fighting a war of the first kind on my list, against the very existence of Israel. There was no occupation in those days; Egyptian publicists talked openly of driving the Jews "into the sea." But the territories that Israel controlled at the end of its victorious defense were supposed to be used (this is what its leaders said at the time) as bargaining chips toward a future peace. When, instead, the government sponsored and supported settlements beyond the old border (the green line), it conferred legitimacy on a resistance movement aimed at liberation. And the longer the occupation went on, the more settlements proliferated and expanded, the more land was expropriated and water rights seized, the stronger that movement grew. It is worth recalling how peaceful the occupation was in its early days, how few soldiers it required when it was believed, on both sides, to be temporary (and when war number one had been decisively defeated). A decade later, Prime Minister Menachem Begin denied that there was any such thing as "occupied territory"; the whole land was the Land of Israel; the government adopted the ideology of conquest and settlement. And the occupation was far more onerous, far more oppressive when its reality was denied than when it was called by its true name.

So it is certainly a legitimate goal of Palestinian militants to establish a state of their own, free of Israel—and of Egypt and Jordan too. The first intifada (1987), with its stone-throwing children, looked like a struggle for a state of this kind, limited to the West Bank and Gaza, where the children lived. It was not exactly a nonviolent struggle (though it was sometimes described that way by people who weren't watching), but it did show discipline and high morale, and its protagonists seemed to acknowledge limits to their struggle: it wasn't intended to threaten Israelis on their side of the green line, where most Israelis lived. And that is why it was successful in advancing the peace process—though Palestinian leaders subsequently declined, so it seems to me, to gather the fruits of their success.

The renewed intifada that began in the fall of 2000 is a violent struggle, and it is not confined to the Occupied Territories. Still, the interviews that journalists have conducted with many of the fighters suggest that they (or some of them) consider themselves to be fighting to end the occupation and force the settlers to leave; their aim is an independent state alongside Israel. So this second war is a real war too, though again it isn't clear that Arafat is committed to it. Does he want what some, at least, of his people certainly want: a small state alongside a small (but not as small) Israeli state? Does he want to trade in the aura of heroic struggle for the routine drudgery of state-building? Does he want to worry about the water supply in Jericho and the development of an industrial zone in Nablus? If the answer

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to these questions is yes, then we should all hope that Arafat gets what he wants. The problem is that many Israelis, who would share this hope if they were hopeful about anything, don't believe, and don't have much reason to believe, that the answer is yes.

3. **The war for Israeli security**: it is unclear how many Israeli soldiers think that this is the war they are fighting, but the number is certainly high. The reserve call-up that preceded the March-April 2002 Israeli "incursions" into West Bank cities and towns produced a startling result. Usually the army calls up about twice the number of soldiers that it needs; the routine pressures of civilian life—sick children, infirm parents, school exams, trouble at the office—are accepted as excuses; lots of reservists don't show up. In March 2002, more than 95 percent of them did show up. These people did not believe that they were fighting for the occupied territories and the settlements; all the opinion polls show a massive unwillingness to do that. They believed that they were fighting for their country or, perhaps better, for their safety and survival in their country. The 95 percent response was the direct product of the terrorist attacks. It is possible, of course, that Sharon exploited the fear of terrorism in order to fight a different war than the one his soldiers thought they were fighting. Still, whatever the war in Sharon's mind, a substantial part of the Israeli army was defending the country against the terrorist threat. The third war is a real war and, morally, a very important war: a defense of home and family in the most immediate sense. But some Israeli homes and families are located on the wrong side of the green line, where their defense is morally problematic.

4. **The war for the Occupied Territories**: the Israeli right is definitely committed to this war, but the support they have in the country is (again) uncertain. Prime Minister Ehud Barak at Camp David in 2000 believed that he would win a referendum for an almost total withdrawal, if this were part of a negotiated settlement of the conflict as a whole. Withdrawal under pressure of terrorist attacks probably does not have similar support, but that tells us nothing about the extent of support for the occupation and the settlements; it tells us only that Palestinian terrorism is a political disaster for the Israeli left. In the face of terror, the left cannot mobilize opposition to the settlements; it finds itself marginalized; its potential supporters are more and more skeptical about its central claim: that withdrawal from the territories would bring a real peace. And that skepticism opens the way for right-wing politicians to defend the settlements—which are no different, they argue, from cities and towns on the Israeli side of the green line: if we don't fight for Ariel and Kiryat Arbah (Jewish towns on the West Bank), we will have to fight for Tel Aviv and Haifa.

But the fight for Ariel and Kiryat Arbah guarantees that there won't be a real peace. For the settler movement is the functional equivalent of the terrorist organizations. I hasten to add that it is *not the moral equivalent*. The settlers are not murderers, even if there are a small number of terrorists among them. But the message of settler activity to the Palestinians is very much like the message of terrorism to the Israelis: we want you to leave (some groups on the Israeli right, including groups represented in Sharon's government, openly support a policy of "transfer"), or we want you to accept a radically subordinate position in your own country. The settlers' aim is Greater Israel, and the achievement of that aim would mean that there could not be a Palestinian state. It is in this sense only that they are like the terrorists: they want the whole thing. They are prepared to fight for the whole thing, and some Israelis presumably believe that that is what they are doing right now. The fourth war is a real war. The vote of the Likud in May 2002 to bar any future Israeli government from accepting a Palestinian state suggests a strong commitment to continue the occupation and enlarge the settlements. Still, I suspect that most of the reservists called up in March, or those who are now (August) patrolling Palestinian cities, would not be prepared to fight for those goals if they thought that this was the only war in which they were engaged.

It was the great mistake of the two center-left prime ministers, Yitzhak Rabin and Barak, not to set themselves against the settler movement from the beginning. They thought that they would most easily defeat the right-wing

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supporters of Greater Israel if they waited until the very end of the peace process. Meanwhile they compromised with the right and allowed a steady growth in the number of settlers. If, instead, they had frozen settlement activity and chosen a few isolated settlements to dismantle, they would have provoked a political battle that I am sure they would have won; and that victory would have been definitive; a gradual out-migration of settler families from the territories would have begun. Failing that, Palestinian radicals were able to convince many of their people that compromise was impossible; the conflict could have only one ending: either the Palestinians or the Israelis would have to go.

The right responds by claiming that this was always the view of Palestinian radicals, even before there were any settlements beyond the old border. And that is certainly true: the radicals object to Jewish sovereignty on any part of "Arab" territory; they have no interest in the green line. But the supporters of the settlers, especially the religious supporters, are radical in exactly the same way. They also have no interest in the green line; they oppose Arab sovereignty on any part of the land that historically or by divine gift "belongs" to the Jewish people. The aim of the fourth war is to enforce this conception of belonging.

I need to say something about the "right of return," even though the refugees who claim this right, since they mostly live beyond the borders of old Palestine, are not directly involved in any of the four wars. Still, they may well be the crucial constituency for war number one. Arafat's insistence that return is a make-or-break issue must be directed in part at them; he has always drawn support from the Palestinian diaspora. "Return" was probably a crucial factor in the failure of the Camp David negotiations in the late summer of 2000. Here, however, there is disagreement among the participants: was Arafat insisting on a symbolic acceptance of the right or on an actual return? Most Israelis choose to be literal-minded about this, arguing that acceptance of the right would open the way to the return of hundreds of thousands of Palestinians, overwhelming the current Jewish majority. Return, they claim, means two Palestinian states. Most Palestinians argue for the importance of the symbolism and seem eager to postpone any discussion of numbers. At Taba in January 2001 both sides did talk about numbers and, apparently, the figures suggested by the two were very far apart.

Among Palestinians, only Sari Nuseibeh, the PA's representative in Jerusalem, has been ready to argue that giving up the right of return is the necessary price of statehood. That seems to me the right position, since the claim to return effectively reopens the 1947-1948 conflict, which is not a helpful thing to do more than half a century later. All the other refugees from the years immediately after World War Two, from Central Europe to Southeast Asia, have been successfully resettled. Palestinians are still in camps because a decision was made, by their own leaders and by the adjacent Arab states, to keep them there: this was a way of insisting that Israel's independence war was not yet over. Today, however, if the Palestinians are to win their own independence war, they must acknowledge that Israel's is already won. Perhaps some number of refugees will return to Israel, some greater number to Palestine (how many will depend on the pace of investment and economic development). The rest must finally be resettled. It is time to address their actual misery rather than their symbolic claims. There will continue to be a Palestinian diaspora, just as there continues to be a Jewish diaspora. A clear statement by Arafat acknowledging this simple truth would represent a big step toward undeclaring the first war.

How can we adjudicate among the four wars? What kind of judgments can we make about whom to support or oppose, and when? A lot depends on the questions I have not answered: how many Israelis, how many Palestinians, endorse each of the wars? Or, perhaps better, we might ask: what would happen if each side won its own just war? If the Palestinians were able to create a state on their side of the green line, would they (or a sufficient majority of them) regard that as the fulfillment of their national aspirations? Would they accept that kind of statehood as the end of the conflict, or would the new state sponsor an irredentist politics and secretly

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collude in an ongoing terrorist war? Arafat's behavior at Camp David and after doesn't suggest a hopeful answer to these questions. Similarly, does the Israeli defense of statehood stop at the green line, or does the current government's conception of state security (or historical destiny) require territories beyond that, even far beyond that? Sharon's behavior since coming to power doesn't suggest a hopeful answer to this question.

What happened at Camp David is obviously important in shaping our moral judgments of the two sides and the four wars, for it was Barak's inability to conclude an agreement there that sealed his fate and brought Sharon to power. Arafat refused to make peace and survived; Barak failed to make peace and was defeated (we can learn something about the constituencies of the two men from this contrast). It is true that the state of the negotiations and the proposals on the table at Camp David and Taba are still in dispute. The people who were at the table disagree among themselves; I have no private information to bring to this argument. But it seems reasonably clear that each successive move in the negotiating process brought the Palestinians nearer to statehood and sovereign control over something close to (and with each move closer to) the whole of the territories. The claim that the Palestinians were offered nothing more than a disconnected set of "Bantustans" seems to be false; an almost fully connected Palestine (the West Bank and Gaza would still have been separate territories) was at least a possible and even a likely outcome of the ongoing negotiations, whatever was actually offered at this or that moment. So the decision to walk away from the process and to begin, and then to militarize, the second intifada is very hard to understand—especially hard because we have to assume that Arafat knew that Palestinian violence guaranteed the defeat of Barak's center-left government. It isn't a crazy conclusion that he simply wasn't interested in or, when the critical moment came, wasn't prepared for a historic compromise and an end to the conflict—even if the compromise brought with it a sovereign state on the West Bank and Gaza.

Hence the order of the four wars in my presentation. I put war number one, for the destruction of the state of Israel, ahead of war number two, for statehood in the territories, because it appears that statehood could have been achieved without any war at all. And I put the war for Greater Israel after the defensive war for Israeli security because the previous Israeli government was prepared to renounce territorial "greatness" entirely. But if the Palestinians make a serious effort to repress the terrorist organizations, and if that effort does not move the Sharon government to rethink its position on the territories, then these orderings would have to be revised. In any case, all four wars are now in progress: what can we say about them?

THE FIRST WAR has to be defeated or definitively renounced. Critics of Israel in Europe and at the United Nations have made a terrible mistake, a moral as well as a political mistake, in failing to acknowledge the necessity of this defeat. They have condemned each successive terrorist attack on Israeli civilians, often in stronger language than Arafat has used, but they have not recognized, let alone condemned, the succession itself, the attacks taken together, as an unjust war against the very existence of Israel. There have been too many excuses for terrorism, too many efforts to "understand" terror as a response (terrible, of course) to the oppressiveness of the occupation. It is likely, indeed, that some terrorists are motivated by personal encounters with the occupying forces or by a more general sense of the humiliation of being occupied. But many other people have responded differently to the same experience: there is an ongoing argument among Palestinians (as there was in the IRA and the Algerian FLN) about the usefulness and moral legitimacy of terror. Palestinian sympathizers on the European left and elsewhere should be very careful not to join this argument on the side of the terrorists.

Winning the second war, for the establishment of a Palestinian state, depends on losing or renouncing the first. That dependence, it seems to me, is morally clear; it hasn't always been politically clear. If there ever is a foreign intervention in the Israeli/Palestinian conflict, one of its goals should be to clarify the rela-

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tionship of the first and second wars (and also of the third and fourth). The Palestinians can have a state only when they make it clear to the Israelis that the state they want is one that stands alongside Israel. At some point, a Palestinian leader (it is unlikely to be Arafat) will have to do what Anwar Sadat did in 1977: welcome Israel as a Middle Eastern neighbor. Since Israel already exists, and Palestine doesn't, one might expect the welcome to come from the other direction. Perhaps it should; at some point, certainly, the welcome must be mutual. But the extent of the terror attacks now requires the Palestinians to find some convincing way to repudiate the slogan that still echoes at their demonstrations: "Kill the Jews!"

The relation of the third and fourth wars is symmetrical to that of the first and second: war number four, for Greater Israel, must be lost or definitively renounced if war number three, for Israel itself, is to be won. The March-April 2002 attacks on West Bank cities, and the return of Israeli soldiers to those same cities in June-July, would be much easier to defend if it was clear that the aim was not to maintain the occupation but only to end or reduce the terrorist threat. In the absence of a Palestinian war on terror, an Israeli war is certainly justifiable. No state can fail to defend the lives of its citizens (that's what states are for). But it was a morally necessary prelude to that war that the Sharon government declare its political commitment to end the occupation and bring the settlers home (many of them, at least: the actual number will depend on a negotiated agreement on final borders for the two states). Perhaps UN officials would have condemned the Israeli war anyway, whatever the government's declared commitments, but the condemnations could then have been seen as acts of hostility—not to be confused with serious moral judgments. As it was, the fierce argument about the massacre-that-never-happened in Jenin obscured the real moral issue, which was not the conduct of the battles but the political vision of the government that ordered them. The conduct of the battles seems to have conformed to the standards of just war theory, though the use of air power (for example, against the Gaza apartment house in July) has not always done so. The current occupation of Palestinian cities and the practice of collective punishment impose unjustifiable hardships on the civilian population. In battle, however, the Israeli army regularly accepted risks to its own men in order to reduce the risks that it imposed on the civilian population. The contrast with the way the Russians fought in Grozny, to take the most recent example of large-scale urban warfare, is striking, and the crucial mark of that contrast is the very small number of civilian casualties in the Palestinian cities despite the fierceness of the fighting. But the legitimacy of Israeli self-defense will finally be determined by the size of the "self"—the extent of the territory—that is being defended.

ALMOST EVERYBODY has a peace plan: one peace for the four wars. And everybody's plan (leaving aside those Palestinians and Israelis who are fighting for the whole thing) is more or less the same. There have to be two states, divided by a border close to the green line, with changes mutually agreed upon. How to get there, and how to make sure that both sides stay there once they get there—on these questions the disagreements are profound, between Palestinians and Israelis and also within both groups. Except in the most general terms, I cannot address these questions. The general terms are clear enough: Palestinians must renounce terrorism; Israelis must renounce occupation. In fact, neither renunciation seems likely given the existing leadership of the two sides. But there is a significant peace movement in Israel, and several political parties committed to renunciation, and among the Palestinians, though no comparable movement exists, there are at least small signs of opposition to the terror attacks. Perhaps whatever forward movement is possible must come independently from the two sides and, first of all, from outside what we used to call the "ruling circles."

What follows is a hard argument, and I don't make it with any confidence. I shall simply repeat what some of my friends in the Israeli peace movement are now saying (I can't speak for Palestinian oppositionists). They argue that there is a way to defend Israeli citizens and to signal, at the same time, a readi-

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ness to return to some modified version of the 1967 border. A unilateral withdrawal from isolated settlements in Gaza and the West Bank would instantly improve Israel's defensive position, shortening the lines that the army has to patrol, and it would provoke the political battle with the settlers that (as I have already argued) should have been fought years ago. In the near future, this withdrawal is more likely to take shape as a leftist program than as a government policy, but it would still begin the necessary battle inside Israel, and it might encourage Palestinian oppositionists to begin a battle of their own: a serious effort to rein in the terrorist organizations so that the Israeli withdrawal, when it finally comes, does not generate a wave of enthusiasm among the militants and then a series of new attacks. That prospect is the obvious danger of any unilateralism, and it is a real danger, as the withdrawal from Lebanon demonstrates. But the risk might still be worth taking.

Ultimately, the partisans of wars two and three must defeat the partisans of wars one and four. The way to peace begins with these two internal (but not necessarily uncoordinated) battles. An American or American/European-sponsored truce would help the moderates on both sides, but, at the same time, the success of the truce depends on the strength of the moderates. Right now, it is hard to judge whether the "reform" of the Palestinian Authority would increase that strength. All good things don't come together in political life: some of the most moderate Palestinians are among the most corrupt, while the suicide bombers are no doubt idealists. Democratic elections in Palestine may well play into the hands of nationalist and religious demagogues; this is a real possibility in Israel too. Still, a more open politics among the Palestinians would allow public expressions of support for a compromise peace, and that would be a major advance.

Would it help to bring in an international force, under UN auspices, to police the (temporary or permanent) lines between Israel and Palestine? This is an increasingly popular idea, but it raises difficult questions about reciprocity. The Israeli settlers would have to be defeated before any such force came in, because the border along which it was deployed would certainly exclude many of the existing settlements. But the Palestinian terrorists would not have to be defeated, because they sit comfortably on one side of the line. It is easy to predict what would happen next: terrorists will slip through the UN's multinational patrols and kill Israeli civilians. Then Israel will demand that UN soldiers go after the terrorist organizations, which, since that would involve a major military campaign, they would refuse to do. And what then? An international force prepared to use force (and accept casualties) might well bring peace to the Middle East, but I cannot think of any country that is seriously prepared to commit its soldiers to actual battles. The UN's record in Bosnia, Rwanda, and East Timor is appalling. So, the only force likely to be deployed is one organized for peacekeeping, not peace-making, and then its effectiveness will depend on the previous victory of Israeli and Palestinian moderates. Internationalization is no substitute for that victory, and it is certainly doomed to failure if it follows upon the victory of Israeli moderates only.

There is a form of international engagement, more ideological and political than military, that could be genuinely helpful. It is critically important to delegitimize the terrorists and the settlers. But this has to be done simultaneously and with some modicum of moral intelligence. The current boycott campaign against Israel, modeled on the 1980s campaign against South Africa, aims at a very one-sided delegitimation. And because the other side isn't led by an organization remotely like the African National Congress, or by a man remotely like Nelson Mandela, the success of this campaign would be disastrous. It would strengthen the forces fighting the first war. Only when European critics of Israel are prepared to tell the Palestinians that there will be no help for a PA complicit in terrorism, can they ask American critics of the Palestinians to deliver a parallel message to the Israeli government. Intellectuals committed to internationalism can best serve their cause by explaining and defending the two messages together.

I have tried to reflect the complexity of the Israeli/Palestinian conflict. I cannot pretend to

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perfect objectivity. The Israeli nationalist right, even the religious right, is a familiar enemy for me, whereas the ideology of death and martyrdom endorsed by so many Palestinians today is alien; I don't understand it. So perhaps someone else could provide a more adequate account of the four wars. What is crucial is to acknowledge the four. Most commentators, especially on the European left, but also on the Jewish and Christian right here in the United States, have failed to do that, producing instead ideological caricatures of the conflict. The caricatures would be easy to ridicule, if they did not have such deadly effects. For they encourage Palestinians and Israelis to fight the first and fourth wars. Those of us who watch and worry about the Middle East have at least an obligation not to do that. ●

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In Search of Europe's Borders

The Politics of Migration in the European Union

Seyla Benhabib

ON MARCH 11, 1882, the great French scholar Ernest Renan gave a lecture with the provocative title, "What is a Nation?"* Still recovering from the shock of the defeat of France by Prussia in the Franco-Prussian War of 1871, Renan, like many liberal nationalists before and after him, walked a thin line between the affirmation of the individual nation, which he described as "a soul, a spiritual principle," and the celebration of the peaceful plurality of nations. For Renan, nations were not eternal: they emerged through suffering and struggle in the past; they were sustained by the will to live together in the future. Nations had their beginning and their end. One day, he prophesied, "A European confederation will probably replace them. But such is not the law of the century in which we are living."

Twice in the twentieth century nationalist wars convulsed Europe and led to worldwide carnage; the dream of a European confederation that would end such wars has inspired European intellectuals at least since the Napoleonic conquests in the aftermath of the French Revolution. Recent developments within the European Union—the adoption of a common currency by twelve of the fifteen member countries and the launching in February 2002 of a year-long European constitutional convention—have given "Euro-federalists" new hope and energy. Starting from a coal and steel consortium among Germany, France, the Benelux countries, and Italy in 1951, the EU currently encompasses 370 million residents in fifteen member countries. Despite occasional setbacks (Denmark's veto of the Maastricht Treaty, for example) and despite the more serious discord caused by the election of right-wing governments in Austria, Italy, Denmark, and the Netherlands, most Euroskeptics have to admit that the EU is moving inexorably forward. The question no longer is "whether the EU?" but "whither the EU?"

By 2003, the EU intends to expand its current membership to twenty-one countries, including the Czech Republic, Cyprus, Poland, Hungary, Slovenia, and Estonia. An ambitious second expansion by 2007 is intended to bring in Romania, Bulgaria, Lithuania, Latvia, the Slovak Republic, and Malta. Since the Copenhagen accords of 1993, conditions for admission to full membership have been defined very broadly to include (1) a demonstration of a country's commitment to functioning democratic institutions, human rights, the rule of law, and respect for and protection of mi-

*Ernest Renan, "What is a Nation?" in *Nation and Narration*, ed. by Homi Bhabha (Routledge, 1990), pp. 8-23.

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norities; (2) a competitive market economy as well as the capacity to cope with competitive pressure; and (3) evidence that the country is able to take on the obligations of membership, including adherence to the aims of political, economic, and monetary union. By focusing on such broad institutional criteria, the EU avoids the much more controversial issues concerning cultural, linguistic, religious, and ethnic identities. The EU supposedly rests on a proven capacity to sustain a set of institutions, which, although originating in the West, are in principle capable of functioning on other soils and in other cultures as well. European identity is not given a thick cultural or historical coating; no exclusionary appeals are made to commonalities of history or faith, language or customs. In Renan's terms, it is the will to live together in the future, and not the fractious past, that defines the new European federation.

Despite these noble wishes to build the EU on "thin" liberal-democratic institutional criteria rather than "thick" cultural identities, a deep conflict between institutional principle and identity is unfolding, both within member states and at their borders. Intense debates range throughout the EU regarding the integration of sizable guest-worker populations and their descendants into their host countries, and many countries are passing new and more restrictive immigration and naturalization bills. These topics have been exploited by right-wing parties and politicians in Austria, Italy, Denmark, the Netherlands, France, and Spain. Social democratic governments in Britain and Germany are also feeling the pressure to cater to more xenophobic sentiments. While the British Labour Party is pushing a restrictive Immigration and Asylum Bill through Parliament, the German coalition government of Social Democrats and Greens has voted for an immigration bill that permits legalized immigration into the country but restricts the rights of asylum and refuge seekers. Despite the signing of the bill into law by President Johannes Rau, the German Christian Democrats, who are favored to win this fall, are threatening to raise objections against the bill in the German Supreme Court.

As has often been the case in European history, xenophobic politics is an easy politics, but the social factors and institutional trends behind European immigration are much more complicated and intractable. Europe's "others," be they guest workers or refugees, asylum seekers or migrants, have become an obvious focus for the anxieties and uncertainties generated by Europe's own "othering," its transformation from a continent of nation-states into a transnational political entity, whose precise constitutional and political form is still uncertain. Will the future EU be a federation of nation-states? A transnational European state in which nation-states are dissolved? Or a post-democratic administrative and bureaucratic conglomerate, bearing more affinities with medieval Europe than with republican traditions of popular sovereignty? These are daunting questions, to which there are no clear answers. As the journalist Joachim Fritz-Vannahme wrote in *Die Zeit*, the only common immigration policy that EU states have is fear itself: "The Europeans are building a fortress against refugees. Each wants to be the architect."

SHORTLY AFTER the Second World War, as Europe entered a period of economic and civil reconstruction, its foreign population stood at 1.3 percent. By 1992-1993 this number had increased to 4.9 percent; the growth stopped in the 1990s, when the countries of the EU began to monitor and control the influx of guest workers, refugees, and asylum seekers into their territories; the current figure is around 5 percent. But these aggregate numbers do not tell the whole story. In many countries the percentage of foreigners in the population is much higher: 9.0 percent in Austria and Belgium; around 8.9 percent in Germany; about 6.3 percent in France. In other EU countries, such as Spain, Denmark, Sweden, and Great Britain, the percentage hovers between 3 percent and 5 percent (note that this figure is well below the 9.7 percent that the U.S. census of 2000 revealed).

Germany and France have been intake countries for longer periods of time than Austria, whose foreign population more than doubled in the 1990s from 4.1 percent to 9 percent. The first *Gastarbeiter* arrived in Ger-

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many in the 1950s, and the largest influx of Algerian-born immigrants came to France in 1956-1957. Primary immigration to both Germany and France has slowed down more recently and has been restricted largely to family unification; by contrast over a million and a half "ethnic Germans" from the former Soviet Union and other East European territories were permitted to enter Germany during this period. Great Britain, with its large number of citizens from former colonies as well as ex-colonial British subjects, presents an even more complex picture: according to the *Times* of London "there has been a net loss of British citizens and a net gain of foreign citizens in the past decade." Interestingly, the *Times* reports that immigration of those born in the EU and the old members of the Commonwealth—Canada, Australia and New Zealand—declined, while net immigration from newer countries of the Commonwealth in Africa and the Asian subcontinent increased. In other words, the face of the 183,000 new Britons is mainly black and brown—an unmentioned fact that is the subtle subtext of the intense debate about immigration in Great Britain.

EUROPEAN SOCIETIES that once, despite their imperialist history, considered themselves homogeneous nation-states are now experiencing changes in the make-up of their population that they did not foresee and about which they feel deeply ambivalent. Caught among the exigencies of a global economy in which the free movement of cheap labor across national borders is essential to capital expansion, urged by their liberal-democratic consciences to help asylees and refugees from the breakup wars of former Yugoslavia and the third world in general, and preoccupied with their own national histories and cultural legacies, EU countries are struggling with radically new collective self-definitions. Even Greece, Italy, Spain, and Portugal, which had traditionally been sender rather than receiver countries, now have to deal with large numbers of legal and illegal immigrants.

Reflecting these contradictory trends, EU countries have made sure that every step of the European integration process is accompanied by a redefinition of Europe's relation to its "others." Thus the Schengen accord of 1985, which abolished internal border controls between Belgium, the Netherlands, Luxembourg, the former German Federal Republic, and France, was accompanied by some of the harshest restrictions on refugee and asylum policies. The Dublin Convention of June 1990, which followed upon Schengen, stipulated further restrictions upon the movements within the EU of foreigners or third country nationals; that is, foreigners who are not citizens of EU member countries. The Dublin Convention set up an EU-wide data base of asylees and refugees and clarified responsibility for processing asylum seekers who had applied to several EU countries.

Schengen and Dublin had marked consequences. In the mid-1990s, entry into Belgium, Denmark, Finland, and Luxembourg leveled off, and there were sharp falls in entry figures in Germany, France, and Sweden. But the "fortress Europe" that Schengen and Dublin intended to create was a fantasy, and another wave of liberalized entry into the EU—driven primarily by labor markets and the realities of Europe's aging labor force—is now on the European agenda. Even as right-wing parties denounce migrants and foreigners for "invading" their cities and cultures, demographic trends in many of Europe's social democracies as well as the demands of certain industries for specifically qualified workers, make it likely that tides of migrant labor will continue to rise.

THROUGHOUT the nineteenth century, Europe was a continent of emigration as well as immigration. What accounts for the explosive potential of these issues at the present? The answer lies partly in the great ferment generated by processes of European unification and the difficulties of bringing rapid institutional change and the evolution of collective identities into some kind of compatible pace.

Since the Maastricht Treaty of 1993, citizens of the fifteen European states have acquired EU citizenship. Article 8 of the treaty states, "Citizenship of the Union is hereby established. Every Person holding the *nationality* of a member state shall be a citizen of the Union" [emphasis added]. This article has been

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the subject of intense debate from the start. Is European citizenship analogous to ancient Roman citizenship, something like membership in an empire, with attendant privileges but with little room for democratic participation? Should European citizenship be conceived principally as social citizenship, eventually entitling everyone who shares this status to an equivalent package of health, retirement, and old age benefits across the union states? Certainly, these problems are not unique to Europe and reflect dilemmas affecting citizenship in liberal democracies everywhere. There is a general concern that contemporary citizenship is defined less by political responsibilities and participation than by the entitlement to social benefits and privileges. Against the background of falling electoral participation rates and the ossification of established party mechanisms, political citizenship appears obsolete. Within the European context, however, the linkage between citizenship and "national" membership expresses a deeper ambivalence about the future of European identity.

EU CITIZENSHIP grants its holders the right to free movement, residence, and employment throughout the EU. Although EU citizens do not have the right to vote in the national elections of their respective host countries, they can vote and run for office in local as well as EU-wide elections. Thus a Dutch resident of London or Dublin can be a candidate for city and county government seats; hold office if elected, and still vote for the Dutch members of the EU Parliament. Although there is skepticism about how rigorously these rights are being claimed and exercised by the EU citizens entitled to them, the Maastricht Treaty delivered a blow to nationalist conceptions of sovereignty and citizenship.

These conceptions are exemplified in a German Supreme Court ruling in 1987 on attempts by Bremen and Hamburg to grant municipal voting rights to foreign residents who had fulfilled certain residency requirements (following the example of Denmark, which gives all foreign residents such rights). The Court barred the grant, claiming that "the people's sovereignty is indivisible." The right of election could only rest upon the sovereignty of a united people, who shared a common past and fate (*"die Nation als Schicksalsgemeinschaft"*). This decision has since been revised to conform to the requirements of the Maastricht Treaty. In a 1997 decision, the Court argued that the possession by non-German citizens of electoral rights did not prejudice the rights of German citizens to political representation through "general, direct, free, equal, and secret" elections. In the case of municipal and district elections, the concept of the sovereign people could be interpreted to include persons "who possess the citizenship of a member-state of the European Union," as well as those who became German citizens in accordance with Article 116 of the German Constitution.

The Court did not explain, as it had done previously, what concept of the people it was now invoking and how it was interpreting popular sovereignty. What political, moral, and juridical principles give certain kinds of people the right of democratic voice while excluding others? Is it only by virtue of its treaty obligations that the democratic franchise can and should be extended to EU citizens? And if the local franchise, why not extend the national one as well? And if to EU citizens, why not to Turks, Moroccans, and Serbians who may have lived and worked in Hamburg or Bremen longer than their Dutch or British neighbors? What is the link between national membership and the democratic franchise?

The EU upholds this link in that access to EU citizenship is based upon national citizenship. But insofar as the active exercise of political rights at local levels no longer requires shared linguistic, ethnic, or religious belonging, but rather is based on interests, affiliations, and associations emerging from a common life in a certain locality, a different conception of democratic citizenship is also becoming visible. The exercise of political citizenship at the subnational level means that the interests of all long-term residents of an electoral district are worthy of equal consideration and respect; therefore democratic participation rights should be extended to all those whose long-term interests would be affected by them. The laws should bind those who can see their own will reflected in them.

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Many countries such as Denmark, Netherlands, Sweden, Ireland, and Great Britain, which are EU members, and others such as Norway and Switzerland, which are not, actually extend local and—in some cases—regional political rights to non-EU foreigners resident in their territories. So what is emerging in contemporary Europe is a mixed bag of rights, entitlements, and privileges, distributed quite unevenly across resident populations, in accordance with varying principles.

At the same time, throughout the EU, a great rift has opened between the status of its citizens and that of those foreign residents who are third country nationals. The latter include Turks as well as U.S. citizens, Moroccans as well as Bosnians, Argentinians as well as Chinese. Of course, in every democratic country the rights of citizens are distinct from those of tourists, and those of permanent residents are distinct from both. What is unique about the situation of third country nationals in contemporary Europe is that this category includes large numbers of people who have been guest workers in residence for ten to twenty-five years. It also includes people who are asylees and who will most likely never return to the countries from which they fled, and still others who are refugees, whose fate depends upon changing political conditions in their host countries as well as their countries of origin. The social and political rights and entitlements of these groups differ across the EU; they are dependent upon the national and local legislatures of their countries of residence. Furthermore, the rules governing "naturalization" procedures that would give access to citizenship are distinct for each EU member country. Although the European Convention of Human Rights applies to all residents of the union and not just to EU citizens, third country nationals have limited civil rights in that their freedom of movement, domicile, and employment is strictly regulated by each host country and across the Schengen and Dublin borders. Add to this complex tapestry of identities, entitlements, and rights the urgent need for young migrant laborers, in order to stave off the disastrous effects of low birth-rates upon social security and old age pensions, and the magnitude of Europe's problems in articulating fair and democratic principles of membership becomes evident.

A more precise breakdown of third country nationals shows that their differential juridical status corresponds to significant ethnocultural and religious cleavages. Turks and ethnic Kurds (who are in most cases Turkish citizens) are the largest group of foreigners, not only in Germany but in Western Europe in general. In 1993, they numbered 2.7 million. Of that number, 2.1 million live in Germany and as of 1999 made up 2.8 percent of the population. The second largest group of foreigners is the members of former Yugoslav states, many of whom enjoy either full or temporary refugee status: 1.8 million Croats, Serbians, Bosnian Muslims, and Albanians. Among the EU countries most affected by the breakup wars of former Yugoslavia are the Netherlands, where as of 1998, citizens of former Yugoslavia numbered 47,500; Sweden, where the corresponding figure is 70,900; and Italy, in which 40,800 former citizens of Yugoslavia, as well as 91,500 Albanians, have settled. This picture is complicated by the presence in countries such as France of former colonials. As of the 1990 census, France counted 614,200 Algerian-born individuals among its population and 572, 200 Moroccans.

After the fall of communism in Eastern and Central Europe, a slow but increasing tide of immigration from the former Eastern bloc countries to the EU began. In 1998, 66,300 Poles entered Germany, about 10,400 entered France, and about 14,000 the Netherlands. In 1998, there were 20,500 members of the Russian Federation resident in Finland; Greece is host to about 5,000 Russians, 3,000 Bulgarians, and approximately 2,700 Albanians.

It is obvious that EU expansion, if and when it comes, will do little to alter the legal status of most third country nationals, since neither Turkey nor the former Yugoslav states—with the exception of Slovenia—nor Algeria, Morocco, or Albania will join the EU in the foreseeable future. To the contrary, given that the largest number of third country nationals within the EU are from Muslim countries, it is to be expected that after the attacks of Sep-

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tember 11, 2001, there will be less sympathy for their plight and less readiness to bring their juridical status into line with that of other residents. The shift from employing laborers from such predominantly Muslim countries as Morocco, Algeria, Tunisia, and Albania to those from Eastern European countries has already started. In Spain, which is dependent upon large numbers of migrant laborers in its agricultural sector, this displacement has not been missed by the migrants themselves. Rachid Benyaia, a forty-year-old Algerian who has been in Spain for eight years, for example, told the *International Herald Tribune* that the East Europeans "have the same culture as Spain—that's what they tell us."

The EU reproduces at the supranational level some of the internal tensions of modern nation-states, while showing tendencies toward evolution along a different path. Common identity and the democratic understandings of the citizenry were fused together in the modern nation-state, where the citizen was socialized, schooled, and disciplined to embody a specific national identity. Of course, cultural homogeneity was more an ideal than an actual historical fact. Modern nation-states incorporated through annexation and oppression large cultural groups who were not given democratic voice. Yet contemporary developments are splitting apart aspects of citizenship that modern nation-states usually bundled together.

Citizenship in the modern nation-state has three aspects: shared collective cultural identity; political rights and privileges; and social entitlements such as unemployment compensation, old age pensions, health care, educational subsidies, and so on. For EU citizens, both political rights and privileges (except those at the national level) and social entitlements, which in most cases accrue as a consequence of the wage-labor contract, are no longer dependent upon sharing a common national identity. Some commentators therefore view EU citizenship as a case of "postnational membership" heralding developments that will not remain confined to the EU. Postnational membership brings with it the dissociation of national identity from democratic rights, as well as the allocation of social entitlements on criteria other than those of national origin. But for the millions of third country residents of the EU, the classical model of national belonging is retained as a precondition for the exercise of political rights. Even so, insofar as the entitlement to social rights and benefits is dependent upon one's status as a wage laborer and not upon one's ethnic origin, the significance of nationality is waning.

Whether these developments presage the general decline of democratic citizenship and the emergence of a model of post-democratic governance or whether they can lead to a new form of citizenship, dissociated from nationality and closely tied to the local, regional, and transnational networks of a global civil society, is not easy to say. The disaggregation of citizenship carries danger as well as promise. For the EU's third country nationals, the danger is all too clear: despite the considerable social benefits enjoyed by those who have secured jobs and long-term residency in Europe's wealthy democracies, they remain culturally as well as politically "mere auxiliaries to the commonwealth," as Kant once called women, children, and servants. Their voices are not heard at the level of the newly emerging union. Many decisions—on family unification, for example—that deeply affect them are taken without their effective participation. As long as political participation rights are linked with nationality, many foreign residents of the EU will, in effect, trade political voice for social benefits.

These juridical discrepancies and political confusions can be seen in part as the growing pains of a new union. After September 11, however, they assume greater significance. As I have already pointed out, the majority of third country nationals who do not enjoy representation at the EU or local levels are Muslim (Turks, Kurds, Algerians, Moroccans, Albanians, Bosnians); a smaller number are Orthodox Slav in origin (Serbians, Bosnians, and Albanians); and so the institutional fault lines concerning rights and privileges perilously track ethnic and religious ones. Easing the naturalization process is certainly one way of dealing with this problem. Granting the right to participate in elections to the EU Parliament, as well as in local elections, according to some shared criteria across the EU, would be another. This political

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harmonization ought to be accompanied by the right to EU-wide mobility and employment for legal permanent residents.

A further question that needs to be addressed by the EU, the United States, and many other states and international organizations concerns the status of long-term refugees and asylees. At what point does the receiving state incur an obligation to incorporate these people? When and how can they assume immigrant status in legal fashion? There are no clear answers to these questions in either the theory or the practice of international law. The will of the national legislatures remains sovereign, despite continued lip service to human rights agreements.

As representatives of the fifteen member countries convene in an EU-wide constitutional convention this year, and as they negotiate the dialectic of identities and institutions, they will redraw the boundaries of their union. Whether the dream of the Euro-federalists to establish a multifaith, multinational, and multicultural Europe becomes a reality depends in large measure on the treatment of the foreigners in their midst. Given how closely the dividing line between those who enjoy full and complete citizenship status and those who do not corresponds to religious, ethnic, and class cleavages, it is important that a new European federation not perpetrate the historical divisions between Europe and its "others."

But political indicators since September 11 provide a different signal. In Hamburg during city-wide elections the Social Democratic Party was replaced by the conservative Christian Democratic Union; in Portugal a neoliberal has taken over from the socialists; in Denmark, the socialists have lost their hold on the government for the first time in eighty years. In the Netherlands, after the assassination of its leader, Pym Fortyn's anti-Muslim, anti-immigrant party picked up seats in the Parliament. The French Socialists lost the June 2002 elections; after scaring themselves and the world by giving Jean-Marie le Pen a symbolic political victory, French voters provided President Jacques Chirac's rightists with an impressive majority in the National Assembly. With national elections pending in Germany this fall, which the Social Democrats seem likely to lose, Tony Blair's Labour Party may remain the only social democratic party in power in a major European country. At this juncture, the EU is turning sharply to the right, and in this continental shift, Europe's migrants are the first to lose. ●

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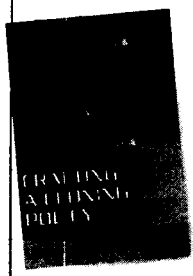

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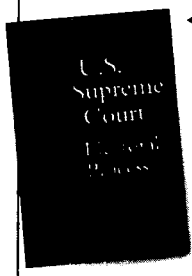

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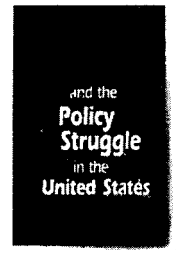

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A Patriotic Left

Michael Kazin

I LOVE MY COUNTRY. I love its passionate and endlessly inventive culture, its remarkably diverse landscape, its agonizing and wonderful history. I particularly cherish its civic ideals—social equality, individual liberty, a populist democracy—and the unending struggle to put their laudable, if often contradictory, claims into practice. I realize that patriotism, like any powerful ideology, is a "construction" with multiple uses, some of which I abhor. But I persist in drawing stimulation and pride from my American identity.

Regrettably, this is not a popular sentiment on the contemporary left. Antiwar activists view patriotism as a smokescreen for U.S. hegemony, while radical academics mock the notion of "American exceptionalism" as a relic of the cold war, a triumphal myth we should quickly outgrow. All the rallying around the flag after September 11 increased the disdain many leftists feel for the sentiment that lies behind it. "The globe, not the flag, is the symbol that's wanted now," scolded Katha Pollitt in the *Nation*. Noam Chomsky described patriotic blather as simply the governing elite's way of telling its subjects, "You shut up and be obedient, and I'll relentlessly advance my own interests."

Both views betray an ignorance of American history, as well as a quixotic desire to leap from a distasteful present to a gauzy future liberated from the fetters of nationalism. Love of country was a demotic faith long before September 11, a fact that previous lefts understood and attempted to turn to their advantage. In the United States, Karl Marx's dictum that the workers have no country has been refuted time and again. It has been not wage earners but the upper classes—from New England gentry on the Grand Tour a century ago to globe-trotting executives and cybertech professionals today—who view America with an ambivalent shrug, reminiscent of Gertrude Stein's line, "America is my country, Paris is my hometown."

One can, like Pollitt and Chomsky, curse as jingoistic all those "United We Stand" and "God Bless America" signs and hope somehow to transcend patriotism in the name of global harmony. Or one can empathize with the communal spirit that animates them, embracing the ideals of the nation and learning from past efforts to put them into practice in the service of far-reaching reform.

An earlier version of American patriotism was a forerunner of the modern genre: pride in the first nation organized around a set of social beliefs rather than a shared geography and history. In its novelty, Americanism gave citizens of the new republic both a way to understand and to stand for purposes that transcended their self-interest. Of course, these purposes were not always noble ones. As historian Gary Gerstle points out in his recent book *American Crucible*, "racial nationalism" dominated much of American life through the nineteenth century and into the early decades of the twentieth. It led some white Americans to justify exterminating Indians, others to hold slaves, and still others to bar immigrants who did not possess "Anglo-Saxon" genes. But the tolerant alternative, which Gerstle calls "civic nationalism," also inspired many Americans in the modern era to help liberate Europe from fascism and Stalinism and to organize at home for social and economic justice.

For American leftists, patriotism was indispensable. It made their dissent and rebellion intelligible to their fellow citizens—and located them within the national narrative, fighting to shape a common future. Tom Paine praised his adopted homeland as an "asylum for man-

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kind"—which gave him a forum to denounce regressive taxes and propose free public education. Elizabeth Cady Stanton issued a "Woman's Declaration of Rights" on the centennial of the Declaration of Independence and argued that denying the vote to women was a violation of the Fourteenth Amendment. Union activists in the Gilded Age such as Eugene Debs and Mother Jones accused employers of crushing the individuality and self-respect of workers. When Debs became a socialist, he described his new vision in the American idiom, as "the equal rights of all to manage and control" society. Half a century later, Martin Luther King, Jr., told his fellow bus boycotters, "If we are wrong—the Supreme Court of this nation is wrong" and proclaimed that "the great glory of American democracy is the right to protest for right."

One could easily list analogous statements from such pioneering reformers as Jane Addams and Betty Friedan, unionists Sidney Hillman and Cesar Chavez, and the gay liberationist Harvey Milk. Without patriotic appeals, the great social movements that attacked inequalities of class, gender, and race in the United States—and spread their messianic rhetoric around the world—would never have gotten off the ground.

Even slavery couldn't extinguish the promise radicals found in the American creed. On Independence Day, 1852, Frederick Douglass gave an angry, eloquent address that asked, "What to the slave is the Fourth of July?" Every account quotes the fugitive-turned-abolitionist speaking truth to white power: "Your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciations of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery." But fewer commentators note that when, at the end of his speech, Douglass predicted slavery's demise, he drew his "encouragement from the Declaration of Independence, the great principles it contains, and the genius of American Institutions," as well as from a spirit of enlightenment that he believed was growing on both sides of the Atlantic. After emancipation, Douglass never stopped condemning the hypocrisy of white Americans— or continuing to base his hopes for equality on traditions he and they held in common.

A SELF-CRITICAL conception of patriotism also led Americans on the left to oppose their leaders' aggressive policies abroad. Anti-imperialists opposed the conquest of the Philippines after the war of 1898 by comparing President William McKinley to King George III. Foes of U.S. intervention in World War I demanded to know why Americans should die to defend European monarchs and their colonies in Africa and Asia. In 1917, a mass movement led by socialists and pacifists called for a popular referendum on the question of going to war. Neither group of resisters succeeded at the time, but each gained a mass hearing and saw its arguments incorporated into future policies. Congress promised independence to the Philippines sooner than colonial officials favored. And, challenged by such antiwar voices as Debs, Robert LaFollette, and William Jennings Bryan, Woodrow Wilson proclaimed national self-determination to be the core principle of a new world order.

A good deal that we cherish about contemporary America was thus accomplished by social movements of the left, speaking out for national ideals. It may be, as the idiosyncratic Trotskyist Leon Samson argued in 1935, that Americanism served as a substitute for socialism, an ideology of self-emancipation through equal opportunity that inoculated most citizens against the class-conscious alternative. But leftists made what progress they did by demanding that the nation live up to its stated principles, rather than dismissing them as fatally compromised by the racism of the founders or the abusiveness of flag-waving vigilantes. After all, hope is always more attractive than cynicism, and the gap between promise and fulfillment is narrower for Americanism than it is for other universalist creeds such as communism, Christianity, and Islam.

It's difficult to think of any radical or reformer who repudiated the national belief system and still had a major impact on U.S. politics and policy. The movement against the Vietnam War did include activists who preferred

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the Vietcong's flag to the American one. But the antiwar insurgency grew powerful only toward the end of the 1960s, when it drew in people who looked for leadership to liberal patriots such as King, Walter Reuther, and Eugene McCarthy rather than to Abbie Hoffman and the Weathermen.

Perhaps one exception to this rule was Malcolm X, who stated, in 1964, that he was a "victim of Americanism" who could see no "American dream," only "an American nightmare." But Malcolm was primarily a spokesman for black anger and pride, not a builder of movements or a catalyst of reforms to benefit his people.

He was, however, a prophetic figure. Soon after Malcolm's death, many on the left, of all races, began to scorn patriotic talk and, instead, to celebrate ethnic and sexual differences. In 1970, writer Julius Lester observed, "American radicals are perhaps the first radicals anywhere who have sought to make a revolution in a country which they hate." At the time, there were certainly ample reasons to consider Americanism a brutal sham. After World War II, the word itself became the property of the American Legion, the House Un-American Activities Committee, and the FBI. In the 1960s, liberal presidents bullied their way into Indochina in the name of what Lyndon Johnson called "the principle for which our ancestors fought in the valleys of Pennsylvania." Fierce love for one's identity group—whether black, Latino, Asian, Native American, or gay or lesbian—seemed morally superior to the master narrative that had justified war abroad and racial exclusion at home.

YET THE HISTORY of the last thirty years has also exposed the outsized flaw in such thinking. Having abandoned patriotism, the left lost the ability to pose convincing alternatives for the nation as a whole. It could take credit for spearheading a multicultural, gender-aware revision of the humanities curriculum, but the right set the political agenda, and it did so in part because its partisans spoke forcefully in the name of American principles that knit together disparate groups—anti-union businesspeople, white evangelicals, Jewish neoconservatives—for mutual ends.

In the face of such evidence, many leftists would respond that civic idealism should not be confined within national borders. In a provocative 1994 essay, philosopher Martha Nussbaum argued that patriotism is "morally dangerous" because it encourages Americans to focus on their own concerns and minimize or disregard those of people in other lands. "We should regard our deliberations," she wrote, "as, first and foremost, deliberations about human problems of people in particular concrete situations, not problems growing out of a national identity that is altogether unlike that of others." Echoing her words, activists and intellectuals talk of challenging global exploitation with some form of global citizenship.

As an ethicist, Nussbaum is certainly on solid ground. Americans ought to take a massacre in Africa as seriously as one that takes place in lower Manhattan and demand that their government move rapidly to halt it. But she offers no guidance for how global leftists can get the power to achieve their laudable objectives. A planetary government is hardly on the horizon, and rich nations would no doubt hog its agenda if it were.

In the meantime, Americans who want to transform the world have to learn how to persuade the nation. At minimum, this means putting pressure on the national government, organizing coalitions of people from different regions and backgrounds, and debating citizens who think their tax money ought to be spent only at home. Disconnected as they are from any national or local constituency, global leftists now live at risk of being thrust to the margins—abstract sages of equity, operatives of nongovernmental organizations engaged in heroic but Sisyphean tasks, or demonstrators roving from continent to continent in search of bankers to heckle.

In the wake of September 11, the stakes have been raised for the American left. Even if the "war against terrorism" doesn't continue to overshadow all other issues, it will inevitably force activists of every stripe to make clear how they would achieve security for individual citizens and for the nation. How can one seriously engage in this conversation about protecting America if America holds no privileged place in

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one's heart? Most ordinary citizens understandably distrust a left that condemns military intervention abroad or a crackdown at home but expresses only a pro forma concern for the actual and potential victims of terrorism. Without empathy for one's neighbors, politics becomes a cold, censorious enterprise indeed.

There's no need to mouth the Pledge of Allegiance or affix a flag pin to your lapel or handbag. But to rail against patriotic symbols is to wage a losing battle—and one that demeans us and sets us against the overwhelming majority of Americans for no worthwhile moral or political purpose.

Instead, leftists should again claim, without pretense or apology, an honorable place in the long narrative of those who demanded that American ideals apply to all and opposed the efforts of those who tried to reserve them for favored groups. When John Ashcroft denies the right of counsel to a citizen accused of terrorism or a CEO cooks the books to impress Wall Street, they are soiling the flag and ought to be put on the patriotic defensive. Liberals and radicals are the only people in politics who can insist on closing the gap between America as the apotheosis of democratic strivings and the sordid realities of greed and arrogance that often betray it.

There is really no alternative. In daily life, cultural cosmopolitanism is mostly reserved to the rich and famous. Radical environmentalists and anti-IMF crusaders seek to revive the old dream of internationalism in a version indebted more to John Lennon's "Imagine" than to V. I. Lenin's Comintern. But three years after bursting into the headlines from the streets of Seattle, that project seems stalled indefinitely in the Sargasso Sea that lies between rhetorical desire and political exigency.

In hope of a revival, left patriots might draw inspiration from two voices from disparate points on the demographic and ideological spectrum. During the Great Depression, the white, conservative skeptic George Santayana observed that "America is the greatest of opportunities and the worst of influences. Our effort must be to resist the influence and improve the opportunity." At the same time, Langston Hughes—black, homosexual, and communist sympathizer—expressed a parallel vision:

> Let America be the dream the dreamers dreamed —
> Let it be that great strong land of love
> Where never kings connive nor tyrants scheme
> That any man be crushed by one above...
> O, yes,
> I say it plain,
> America never was America to me,
> And yet I swear this oath —
> America will be!

Throughout our history, and still today, the most effective way to love the country is to fight like hell to change it. ●

MICHAEL KAZIN is on the editorial board of *Dissent*. His latest book, co-authored with Maurice Isserman, is *America Divided: The Civil War of the 1960s*.

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Dissenting from the American Empire

James B. Rule

How long has it been since we heard that old catchphrase "late capitalism"? The collapse of the Soviet Empire, and the rush of the leftovers of "real existing socialism" to find a place in the global market economy, give that expression a bizarre ring. For capitalism, we now realize, this may just be mid-morning. And such realization leaves us swimming in questions not just about the shape of domestic politics, but also about the new order of geopolitical affairs—now increasingly dominated by the kingpin of international capitalism, the United States of America.

Only command of the international market economy, it seems, can maintain the economic growth, the technological virtuosity, and the command of scarce resources necessary for world dominance today. Terrorists may threaten; rogue states may menace. These challengers may succeed in imposing much human suffering, but they will not change world boundaries or alter the global pre-eminence of the United States. For the immediate future, the United States has no rival in sustained ability to mobilize vast and sophisticated military forces, to capture and hold territory, and ultimately to make and unmake regimes in any corner of the world. Hence the question: what room do these facts leave those of us on the left for an alternative vision of world order?

It's hard to conceive of a political question bigger or more consequential than this. To get a grip on it, we need to think in terms of what Gunnar Myrdal termed "programs" and "prognoses." Programs are hypothetical scenarios, chains of events and processes through which the present might evolve into some desired future world. Programs in this sense, Myrdal holds, appeal for justification to prognoses—assessments of underlying social forces, of the constraints of entrenched conditions, or of the ripeness of untested situations for change. Programs without prognoses are apt to be nothing other than wishful dreams. Prognoses without programs are mere analytical speculation, holding little interest except to specialists.

Thus, more than sixty years ago, Myrdal and the co-authors of *An American Dilemma* posited programs for dismantling Jim Crow institutions—basing their arguments on prognoses of the openness of American society to change. Conservative critics loathed the program and derided the prognoses. As counter-prognoses, they cited the supposed resistance of beliefs and attitudes underlying segregation, the blacks' and whites' alleged affection for segregated institutions, the purported unreadiness of black Americans to assume an equal role. Yet today their essential arguments are vindicated. Changes once held utopian or dangerous occurred more rapidly than many could have imagined; seemingly outlandish prospects of formal equality between the races became practical road maps for public action.

The American-dominated world order of the twenty-first century challenges the left to think as shrewdly, and as imaginatively, as the authors of *An American Dilemma* did about race in America. If I am right about essential elements of the prognosis—the indispensability of mastery over markets and technology in today's world, for example, and the supremacy of America in such mastery—what programs for the future can we entertain? What sort of world order consistent with the values of the democratic left could emerge from present-day realities of American world dominance? What must we on the left fear from this situation? Dare we identify possibilities for progressive change as bold as those named by Myrdal and his collaborators?

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For the antithesis of a left vision on these matters, we need look no further than the platitudes of American officialdom. In this view, today's ascendance of American power represents the unanimous verdict of history on the superiority of American values. The superpower status of this country, however—and here come the programs—confers "global responsibilities." America's overweening military, economic and technological power make it "the indispensable country." In practice, this amounts to a mandate for this country to proclaim and enforce its writ throughout the world. Bush the Elder had it right, in this view, when he went to war in 1991; he was giving the world its first lesson that no country could get away with crossing the lines drawn by America for its new world order. Thus a program, in Myrdal's sense, of manifest destiny. Only a world where clear-cut rules of conduct are recognized by all players can support the peace and market-given abundance that all the world craves. And only the United States is in a position to dictate and enforce those rules.

This self-congratulatory emanation of American statecraft points to a vision of America's role that is not just unipolar but imperial, strictly speaking. Indeed, the language of empire is now gaining currency among this country's foreign-policy elites, who use it without apology. What this means in practice is that Washington will increasingly be taking key geopolitical decisions alone, consulting even close allies only after crucial directions have been set. It is a world whose big structures, and basic rules of conduct, radiate from a single national source.

Surprisingly, visions of Imperial America seem to be getting serious and not-altogether-unfavorable attention even among observers on the left. Empires are not always so bad, people point out. At least they ensure a modicum of order and peace. Why prejudge the American Empire, just because it *is* an empire?

Fair is fair. Let us not miss some signal accomplishments of American power on the geopolitical scene. One thinks of the defense of democracy in Europe fifty-five years ago; or the reversal of ethnic cleansing in Kosovo; or the quiet support for pluralism in Taiwan, even as the United States trims its sails to deal with Beijing; or the American willingness to broach human rights issues (however selectively and ambivalently) in world forums. Other empires would not have gone this far. But of course, if we credit such accomplishments, we are also obliged to take account of historic miscarriages of American power: support of some of the world's worst regimes, indifference to the sufferings of the poorest countries, plunder of scarce environmental resources and raw materials, and all the rest.

But we on the left ought to be devoting ourselves to something more than a balance sheet of pluses and minuses in American foreign policy. The question is not how we should rate the American Empire as empires go, but *whether we want to live in an imperial world.* Can't we expect something better than a regime where one country lays down the law for all others? Don't the values of the left incline us to a geopolitical system that is multilateral and collegial, rather than unilateral and peremptory? Shouldn't we be seeking a world order in which narrow national interest gives way to collective decision-making on joint problems? To the masters of realpolitik now calling the shots in Washington, such aspirations are utopian in the worst sense. I believe that they are utopian, much as Myrdal's program for undoing Jim Crow was utopian in the late 1930s.

In fact, the American Empire is hardly the only profound rearrangement of global affairs to arise in the last twelve years. In the eye of history, it may not appear the most important. Running counter to the consolidation of global power in Washington are a collection of diametrically opposite tendencies—more diffuse and harder to read, but full of potential to yield a better world. These are trends toward multilateral decision-making among the world community of nations, an evolution toward collective definitions of global problems and away from maximization of national sovereignty and zero-sum definitions of national interest. These trends are manifest in the actions of states, but also in the expanded participation of non-state activists, from grassroots community groups to sophisticated global social movements.

These tendencies have borne some strik-

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ing fruit over the last decade, in arrangements both heralded and obscure. These include efforts to limit emissions of greenhouse gases, to ban land mines, to protect privacy of personal data transmitted across international boundaries, to prosecute crimes against humanity, and to establish permanent UN forces available for peacekeeping. No one can say which of these efforts will ultimately matter the most, and any of them could yet fail completely. But what commands attention is not so much the ultimate outcome, but the quality of the underlying vision and the willingness of important elements of the global community to subscribe to it. Participating countries have been willing to identify supranational interests that could clearly run counter to specific national interests in future situations—and to build authoritative institutions to implement such larger interests. The underlying logic is diametrically opposed to that of a world governed by imperial *diktat*.

No doubt that is why Washington has gone to such lengths to oppose all these efforts. In case you hadn't noticed, the United States has carved out for itself the role of global naysayer to such multilateral developments. That opposition arises both from the executive branch and from Congress, but the Bush administration has orchestrated it to a fine pitch. In this view, no international engagements must be allowed in any way to diminish American sovereignty. America may mobilize its "allies"—read, clients—to support one worldwide initiative or another, after the crucial directions are set. But no one will get a hearing from this administration for the notion that the well-being of ordinary Americans might be better served by transferring decision-making power from the American state. One might as well propose steak tartare for the banquet of the next world congress of vegans.

For the prophets of empire, of course, aspirations for a more collegial organization of world power represent nothing more than self-deluding froth atop the deep currents of geopolitics. What matters in world affairs, they will remind us, is what has always mattered: the ability to "project" military power; the economic might to support and sustain such projection; and mastery of the technologies that generate national superiority, both military and economic, in the first place. If a few enlightened souls now have the luxury of concern for the environment, human rights, or the worldwide distribution of wealth, it is only because such high-minded thinking is protected by imperial power. No one should imagine, in other words, that yearnings for a more liberal or egalitarian geopolitical order have any weight of their own. How many divisions can Greenpeace put in the field? What disagreeable regime has Amnesty International ever ousted?

THERE IS NO reason to accept at face value the prognoses embodied in these statements—any more than one should accept the imperial programs they are intended to support. True, we must never imagine that ideas or ethical concerns alone, or the sheer desire for a better world, will automatically prevail over earthier forces. But it would be no less foolish to discount the weight of specific ideas and moral imperatives at specific historical moments. Joseph Nye, in *The Paradox of American Power*, speaks of "soft power," the knack of "getting others to want what you want." America, he holds, can muster a good deal of soft power, if it puts forward its most appealing face to the world. He might well have added that America swims against powerful currents when it seeks to impose its interests against worldwide consensus. Good ideas and shared impulses can generate "soft power" of their own, even when arrayed against the forces of empire.

To be sure, the potential power of a particular ideas and values in any setting is a matter for subtle assessment. It was the genius of Myrdal and his collaborators to see that the intellectual and moral foundations of Jim Crow were vulnerable—and that alternative understandings and practices might replace them relatively quickly. The prognoses so identified made it plausible to envisage a program of change that most at the time dismissed.

We ought to apply the same sort of hard-headed skepticism to the ideas underlying the program of American empire—notions that only overbearing and unilateral American power can provide for a decent geopolitical regime. Many straws in the wind support quite different prognoses. Among these is the simple

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force of example: multilateral measures, and the popular feelings giving rise to them, can be seen at least sometimes to work. Prosecutions of crimes against humanity are beginning to occur. The treaty against land mines was in fact signed, albeit without the crucial participation of the United States. When countries, the United States very much included, fly in the face of such broadly based multilateral arrangements, they pay a cost. As Myrdal pointed out, there comes a moment when information on alternatives to prevailing arrangements can no longer be ignored. World public opinion may well now be at such a point regarding the feasibility of multilateral institutions.

Note that many multilateral accomplishments registered thus far stem from the engagement of alert and assertive publics. Organized global citizens have been willing to challenge what were once sovereign prerogatives of states, on matters ranging from protection of whales to the exploitation of women and children in the international sex trade. Around the world, it appears, educated people are less and less willing to defer matters of grave ethical concern to the discretion of governments. And as such concerns are acknowledged, national elites are less willing, and less able to turn away such popular concerns. As Paul Wapner remarked in these pages eight years ago ("Environmental Activism and Global Civil Society," Summer 1994), the result is increasingly a "world civil society," in which organizations from Amnesty International to Greenpeace mobilize pressure and focus conscience across national boundaries. Globalization, obviously, is not just an economic affair.

I have never been much of an admirer of Hegel, with his notions of improvements in public life reflecting an ever-evolving world spirit. But it is hard to deny that public unwillingness to tolerate certain palpable, humanly engineered evils is growing, however incrementally. A growing slice of world opinion finds plunder of natural resources, destabilizing environmental conditions, torture of political opponents, government by armed bullies, suppression of indigenous cultures, debilitating international arms races, and a host of parallel developments unconscionable. Much as in the slow but relentless shift in world public opinion that ultimately undercut slavery—even as that peculiar institution produced great economic benefits for some—world opinion now seems capable of condemning certain atrocious actions that were long regarded as virtually inevitable, however unpleasant.

This is why it will not do for us on the left to restrict ourselves to providing a running "box score" on the successes and failures of imperial policies. That view simply takes for granted the most consequential issues now in the balance. If we miss this point, we remain helpless against the next gross abuse of imperial power—the next Vietnam, let us say—when it occurs. The left ought to choose a better role for itself than simply reacting to the workings of the American Empire after the fact. And the best way to do so is not just to support or criticize specific policies of the current regime, but to articulate a distinctive vision of a world community.

Inevitably, multilateralism brings its own costs and risks. Should world power indeed grow more collegial, America will experience new constraints. Meaningful limits on greenhouse gas emissions could limit economic growth. More egalitarian world economic relations could end some advantageous terms of trade for America. These are the fruits of empire, and Americans share in them, whether they intend to or not.

But such benefits will not outlast the heyday of the system that enforces them. The one thing that we know for sure about empires is that they do not last forever. In America's case, the magic formula combining economic might, technological mastery, and overwhelming military power will surely one day fail. Living through imperial decline is never pleasant for the parties concerned—witness, most recently, the collapse of the Soviet Empire. We ought to be asking what will be left, when America can no longer, at least single-handedly, enforce its will anywhere and everywhere around the world?

Americans—and thoughtful, politically active citizens of the entire world community—have a historic opportunity to help create arrangements that can endure, even as particular world power constellations come and go. This

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could mean institutions for environmental protection, for ready defense against aggressive war, for protection of rights of embattled minorities; for prosecution of crimes against humanity—the list of alluring possibilities goes on and on. In the long view, these opportunities surely warrant extraordinary efforts to attain.

By contrast, the imperial wisdom of the Bush administration betrays a shockingly short time perspective. As in its energy policies, the inner circle of the current regime insists on exploiting short-term advantage, disparaging any consideration of the world we will leave our children when the conditions of that advantage are exhausted. Like the world's reserves of fossil fuels, the conditions supporting American hegemony are finite. But for the imperial vision, what matters is supremacy in the here and now. It is a profoundly irresponsible approach to statecraft; the future it portends is desolate.

The worst of it is the chances that are being wasted. The world is arguably a less dangerous place now than it has been in many decades. With the end of the Manichean struggle between the Soviet system and the "free world," we ought to realize a "peace dividend" in terms of more than just money. The preeminence of the world's liberal democracies, in command of successful market economies, could well provide an incubator for the sort of multilateral global community entertained here. One has to wonder: if the shift to such an order is not possible now, at a moment of relative prosperity and stability, when will the moment come?

It is our role, on the left, to pose this question. We have no more crucial or distinctive contribution to make. ●

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Hackers and the Battle for Cyberspace

Helen Nissenbaum

HACKERS NEVER were part of the mainstream establishment, but their current reputation as villains of cyberspace is a far cry from the early days when, first and foremost, they were seen as ardent if quirky programmers, capable of near-miraculous, unorthodox feats of machine manipulation. True, their dedication bordered on fanaticism, and their living habits bordered on the unsavory. But the shift in popular perception to hackers as deviants and criminals is important not only because it affects the hackers themselves and the extraordinary culture that has grown around them (fascinating as a subject in its own right), but because it reflects shifts in the development, governance, and meaning of the new information technology. These shifts should be questioned and resisted. They unfairly cast hackers in a disreputable light and, more important, they deny the rest of us a political opportunity.

In *Hackers: Heroes of the Computer Revolution*, Steven Levy traces the roots of evolving hacker communities to the Massachusetts Institute of Technology in the late 1950s. Here, core members of the Tech Model Railroad Club "discovered" computers first as a tool for enhancing their beloved model railroads and then as objects of passion in their own right. They turned their considerable creative energies to the task of building and programming MIT's early mainframes in uneasy but relatively peaceful coexistence with formal employees of the university's technical staff. In parallel, hacker communities developed and flourished in other academic locales, particularly Stanford and Carnegie-Mellon, sometimes spilling over into nearby cities such as Cambridge, Palo Alto, and Berkeley.

Formidable programmers, these hackers produced and debugged computer code at an astonishing rate. They helped develop hardware and software for existing computer functions and invented, sometimes as playful challenges, novel algorithms and applications that were incorporated into subsequent generations of computers. These novel functions not only extended recreational capabilities—gaming, virtual reality, and digitized music—but also increased practical capabilities such as control of robots and processing speeds. Obsessive work leavened with inspired creativity also yielded a host of basic system subroutines and utilities that pushed operating capacities and efficiency to new heights, steered the field of computing in novel directions, and became a fundamental part of what we experience every time we sit in front of a computer.

Levy and others who have written about this early hacker period describe legendary hacking binges—days and nights with little or no sleep—leading to products that surprised and sometimes annoyed colleagues in mainstream academic and research positions. The "pure hack" did not respect prescribed methods or theory-driven, top-down approaches to computer science and engineering. To hack was to find a way, any way that worked, to make something happen, solve the problem, invent the next thrill. There was a bravado associated with being a hacker, an identity worn as a badge of honor. The unconventional lifestyle did not seem to put off adherents, even though it could be pretty unwholesome: a disregard for patterns of night and day, a diet of junk-food, inattention to personal appearance and hygiene, and the virtual absence of any life outside of hacking. Nor did hackers come off as "nice" people; they did little to nourish conventional interpersonal skills and were not particularly tolerant of aspiring hackers with lesser skills or insufficient dedication.

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It was not only single-minded attachment to their craft that defined these early hackers but their espousal of an ideology informally called the "hacker ethic." This creed included several elements: commitment to total and free access to computers and information, belief in the immense powers of computers to improve people's lives and create art and beauty, mistrust of centralized authority, disdain for obstacles erected against free access to computing, and an insistence that hackers be evaluated by no other criteria than technical virtuosity and accomplishment. In other words, the culture of hacking incorporated political and moral values as well as technical ends.

In the early decades—1960s and 1970s—although hacker antics and political ideology frequently led to skirmishes with the authorities (for example, administrators at MIT), hackers were generally tolerated with grudging admiration. Even the Defense Advanced Research Projects Agency (DARPA), the funding agency widely credited for sponsoring invention of the Internet, not only turned a blind eye to unofficial hacker activities but indirectly sponsored some of them. For example, research it funded at MIT's Artificial Intelligence Laboratory was reported online in 1972 as a catalog of "hacks," HAKMEM (ftp://publications.ai.mit.edu/ai-publications/pdf/AIM-239.pdf). The report is prefaced, tongue-in-cheek, as follows: "Here is some little known data which may be of interest to computer hackers. The items and examples are so sketchy that to decipher them may require more sincerity and curiosity than a non-hacker can muster." In *A Brief History of Hacking*, Eric Raymond, prolific philosopher of the Open Source movement, suggests that for DARPA "the extra overhead was a small price to pay for attracting an entire generation of bright young people into the computing field."

Heroes to Hooligans

Nowadays, though, when we hear about hackers it is usually as anti-social and possibly dangerous individuals who attack systems, damage other people's computers, compromise the integrity of stored information, create and distribute viruses and other harmful code, invade privacy, and even threaten national security. They flout the law by cracking into communications networks and copying and distributing copyrighted intellectual work. They care nothing for the norms of common morality and etiquette. They stay up all night, eat pizza and Twinkies, bathe infrequently, and take on bizarre and menacing names like Legion of Doom, Acid Freak, The Knights of Shadow, Scorpion, Terminus, Cult of the Dead Cow, and The Marauder. To top it off, the essential credo of old-style hackerdom, creative brilliance above all, has given way to a culture of "script kiddies" or "copycats," who merely mimic the technical ingenuity of a few creative hackers in order to further anti-social and often selfish ends.

In interoffice memos, government advisories, and stories in the popular media and trade press, systems administrators and security experts stress the importance of protecting vulnerable systems against hackers, peppering their rhetoric with cautionary tales (all of them true): the hacker "Maxim," who threatened to post three hundred thousand stolen credit-card numbers on the Net unless the online music-retailer CDUniverse paid him a hundred thousand dollars; master-hacker-addict Kevin Mitnick, at one point the most wanted hacker in the world, who gained access to corporate trade secrets worth millions; the loss of a ship at sea when a hacker brought down the weather forecasting system for the English Channel; the distribution of damaging viruses and worms, such as Klez, Nimda, Kalamar, Melissa, and ILOVEYOU; denial-of-service attacks on Yahoo!, America OnLine, and more. Each story is a reminder of the damage done and the millions of dollars lost in equipment, time, and productivity.

What accounts for the transformation in our conception of hackers from Levy's "heroes of the computer revolution" to white-collar criminals of the information age? There are simple, straightforward answers. One is that hackers themselves have changed. They no longer discriminate in their targets, victimizing not only carefully chosen centralized bureaucracies but unsuspecting users and consumers of the digital media. Having cut themselves adrift from their idealistic moorings, they are no better than other common criminals,

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intruders, vandals, and thieves. We see them as villains now because they now are villains. Another explanation points not to a change in hackers themselves but to a change in us. Because our standards and values have changed, what we used to admire or tolerate we now deplore. Value shifts like these are not unprecedented; consider the cases—more significant, obviously—of slavery, racism, sexism, and corporal punishment.

But these answers, though each is true to some extent, tell only a fraction of the story, for the change in popular conception of hacking has as much to do with changes in the meaning and status of the new digital media and the powerful interests vested in them as with hacking itself. I will go further, and suggest that the shift is, to a significant degree, a product of purposeful political maneuvering that serves the ends of interested parties in our technology intensive society. Only by bringing these background factors into focus can we understand the significance for society of the transformation in moral status of hackers, and in turn, appreciate why it is important to question what is happening.

In the United States and other technologically advanced nations where digital electronic systems and devices are in widespread, everyday use, the rapid evolution of the technology has been accompanied by lively social and political responses. The progression of cause and effect is too complex to cover here in meaningful detail—technology to ideology and vice versa—but I would like to highlight a few relevant points. As is generally acknowledged by writers and scholars, the artifacts of information technology were incubated in the cooperation between the military establishment (mainly through its funding agencies) and academic research institutions, diffusing from these specialized and closely knit communities outward in many directions. Popular chroniclers of the information age, such as John Perry Barlow, Howard Rheingold, and Nicholas Negroponte, created a certain mindset, or interpretive lens, through which many people understood the social role of these new technologies. Writing in the eighties to mid-nineties, they elaborated a mythology of the Internet and World Wide Web as new frontiers, where great freedoms and opportunities lay, where brave (if sometimes bizarre) cowboys and "homesteaders" would create a cyberspace embodying these ideals. Their works both echoed and nurtured the earlier hacker culture.

But this was only half the story; the other half is a story of normalization. From early obscurity, through the phase of mythological idealism, the technologies of information finally reached the mainstream of everyday experience. The demographics of cyberspace normalized as the exotic constellation of camgirls, BBS (electronic bulletin boards), avatars (graphic icons representing characters in online games and other exchanges), ISPs (Internet Service Providers), chatrooms, portals, MUDs (multi-user dungeons/domains/dimensions—online computer-managed games or structured social experience involving many players, bearing some resemblance to the game "Dungeons and Dragons"), MOOs (multi-user object-oriented settings, a further variation of MUDs), and hackers were joined by familiar transplants—collective and individual—from more ordinary, physically bounded space. Local retailers, global corporations, credit card companies, traditional media corporations, governments (local, state, and federal), grandmothers, preachers, and lonely hearts sought their fortunes online. Pragmatic economic visions (from the likes of Al Gore) competed with the romantic mythologies of futurists as cyberspace became increasingly domesticated, encompassing the mundane and being encompassed by it.

These familiar presences brought familiar practices and modes of interaction, with their associated norms and institutions. Among the most vigorous was the commercial marketplace, which, in turn, required mechanisms for the enforcement of contracts and the protection of private property. Indeed, private property leached into and became central to all the multiple layerings of the online world, from the physical infrastructure on up. Global telecommunications corporations took over possession and oversight of the fiber-optic cables, airwaves, and switches from government agencies. Commercial Internet service providers (such as AOL) and others, including cable and phone companies, became dominant provid-

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ers of popular online access. (The small percentage of users granted access through government and educational institutions, who typically have experienced little interference from their sponsors, now face greater restriction and regulation. Fearful of lawsuits and worried by the overuse of resources, these providers must keep a watchful eye for conduct such as exchange of MP3s (music files), online postings of copyrighted software, linking to pornographic sites, and so forth.) Some observers note that even open nonproprietary protocols, including TCP/IP, the fundamental building blocks of the Internet and Web, are under challenge as private entities attempt to replace open standards with proprietary ones.

The property metaphor has crept into the informal culture of the Web. Web sites are conceived as spaces *belonging* to people and organizations. People take pride and claim credit in the design of *their* Web sites. There is a growing sense of what one can and cannot do when visiting another's *home*page: wander around but touch only when authorized, link but do not deep-link. (To deep-link is to bypass the front page of a Web site, linking directly to desired content on another page within it, for example, bypassing the *New York Times* front page and linking directly to a particular story. Owners of commercial Web sites fear the loss of revenues from advertisements on their front-page portals and argue that deep-linking constitutes a copyright violation.)

The growing acceptance of property in computerized environments is seen in other arenas, too. For example, on the question of electronic surveillance in the workplace—employers reading employee e-mail and keeping track of their Web-surfing— the tide has turned dramatically, as shown in a survey of one thousand adults, reported by the Angus Reid Group in May 2000. The survey found that three of four workers believe employers are within their rights to monitor employee e-mail and Internet use at work. More surprising than the result itself, given vigorous objections just a few years ago, is the primary rationale for acceptance of these practices: because the employers own the computer resources, they have the right to monitor them.

Private ownership over content, long a feature in other media, plays an increasingly dominant role in the so-called "new media." Moreover, property claimants in software, images, music, movies, and other intellectual works are finding a body of law, including for example the controversial Digital Millennium Copyright Act (DMCA), that is tailored for the online environment and increasingly supportive of their interests. International treaties aimed at global harmony ensure that such rules prevail beyond and across national boundaries. This push to turn infrastructure, technical systems, and content into private property leads legal scholars such as James Boyle and Yochai Benkler to talk of a second enclosure movement, where the enclosure is not of land and physical property but of the creations of the intellect and the web of conduits through which they travel.

Though property has had the greatest public visibility, other arenas have seen efforts at regulation: online speech, online gambling, the assignment of domain names, and tighter controls on access (admitting authorized users only). All these have contributed to the transformation of a relatively intimate, mildly anarchic environment to one marked by institutionally imposed order. With some nostalgia, Larry Lessig, in his book *Code and Other Laws of Cyberspace*, describes the passage from Net95—the open online world that readily suggested Barlow's new frontier—to the enclosed, gated, regulated world of Net01.

It may already be obvious how this sea change strands hackers. While the exotic personae of cyberspace can be tolerated as long as they play by the rules of the new order, hackers are fundamentally inimical to it. The credo of their early years, which included a commitment to the free flow of information, to unrestricted access to computer resources, and to the idea of computer technology as an instrument of the public good runs counter to the new order. For corporate and government agents, this remnant of the old anarchy poses a terrifying threat.

Hackers as Bad Guys

The response of these agents has been to cast hackers as the bad guys of computerized and computer-mediated social reality: sociopaths, thieves, opportunists, trespassers, vandals,

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Peeping Toms, and terrorists. These labels are more than negative public relations. They transform social meaning, refashioning the concept of hacking into one that is imbued with negative content. Our language is full of normative terms: "murder" when we mean an unlawful, wicked, premeditated killing; "theft" when we mean the wrongful taking of something one does not own; "weed" when we mean wild and unwanted plants. Words like these constrain what a speaker can say without stumbling into awkward inconsistencies; they foreclose certain moral discussions. To ask whether murder is wrong is odd, for by conceding that a killing is a murder we have already passed moral judgment. A philosopher might patiently explain that murder is wrong; did the questioner, perhaps, mean to ask whether it can sometimes be excused? In many cases, terms such as murder are useful, for they enable expressive precision—as in courts of law or in strong personal judgments: "As far as I'm concerned factory owners who dump toxins into drinking water are murderers." But in other cases, affixing a moral label can stunt exploratory deliberation—as it does, I believe, in the case of hacking. If hackers are thieves, vandals, and terrorists, it makes no sense to ask whether hacking is good or bad, whether we're for it or against it.

How such conceptual shifts occur is an important question. In the case of hackers, the media have played a critical role, bringing us countless stories of the sort already described. According to Eric Raymond, in *A Brief History of Hackerdom*, as early as 1984 the mainstream press began covering episodes of unauthorized breaking into computer systems and "journalists began to misapply the term 'hacker' to refer to computer vandals, an abuse which sadly continues to this day." Consider examples drawn from the print media within the past three years:

- The *New York Times*, June 13, 1999: "Computer hackers attacked the United States Senate's main Web site on Friday, the second such electronic assault on the high profile Internet page in just over two weeks." Later in the same article, "In an obvious taunt directed at the F.B.I.—which is conducting a national crackdown on computer hackers—they wrote on part of the page: "You can stop one, but you cannot stop all."

- The *Boston Herald*, August 1, 1999: "It was the kind of threat for which computer hackers are famous, a declaration of war dripping with the risk-free bravado so common on the anonymous Internet. The warning, which appeared on a hacked Web page of the U.S. Interior Department in late May, promised unrelenting attacks against government computers to avenge an FBI roundup of hackers associated with the group Global Hell."

- *Time* magazine (Canadian edition), May 22, 2000, headline: "School for Hackers: The Love Bug's Manila birthplace is just one of many Third World virus breeding grounds," suggests that De Guzman, who is suspected of unleashing the virus, is an example of a growing force of hackers in the "third world." Law-enforcement officials warn that "small cells of hackers—some at colleges, others in contact only electronically—pose an unprecedented threat to the computer systems of the industrialized world. . . "

- The *Boston Herald*, July 12, 2000, headline: "Don't have a cow Mr. Gates: Hacker cult opens doors for assault on Windows."

- In *LA Times.com*, November 7, 2000: "A 20 year-old hacker who seized control of sensitive computer programs at the Jet Propulsion Laboratory in Pasadena and at Stanford University pleaded guilty to federal charges Monday." http://www.latimes.com/cgi-bin/print.cgi.

- *Horizon Air*, January 2001: "A hacker in the Philippines can reach out to computers around the world and cause havoc," (62) and in comparing cyber criminals to regular burglars who cannot resist boasting about their exploits, "Modern-day hackers do the same, posting their exploits on hacker Web sites."

- The *Washington Post*, May 7, 2001: "A series of sophisticated attempts to break into Pentagon computers has continued for more than three years, and an extensive investigation has produced 'disturbingly few clues' about who is responsible, according to a member of the National Security Agency's advisory board . . ."

- The *San Jose Mercury News*, July 10, 2002: "Security Flaw Afflicts Popular Technology for Encrypting E-mail: The flaw allows a hacker to send a specially coded e-mail—which would appear as a blank message followed by an error warning—and effectively seize control of

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the victim's computer. The hacker could then install spy software to record keystrokes, steal financial records or copy a person's secret unlocking keys to unscramble their sensitive e-mails."

• CNET News.com, July 15, 2002 headline: "House OKs Life Sentences for Hackers: The House of Representatives on Monday overwhelmingly approved a bill that would allow for life prison sentences for malicious computer hackers. . . . The Cyber Security Enhancement Act had been written before the Sept. 11 terrorist attacks last year, but the events spurred legislators toward Monday evening's near-unanimous vote."

The steady stream of media reports about hackers who are vandals, intruders, thieves, terrorists, and trespassers plays a role in establishing a new hacker profile, and we are led to see these hackers not as exceptions but the rule. They become prototypes of a newly defined category.

WE DO NOT HAVE to posit a massive conspiracy to understand why the media have followed this path. As Todd Gitlin argues in *The Whole World is Watching: Mass Media in the Making and Unmaking of the New Left*, established institutions, as compared with opposition movements, exert a formidable influence in how the mass media construe reality. Besides the obvious trappings of wealth and power, established institutions are able to provide duly selected spokespersons who present a coordinated, authoritative account of these institutions' positions and perspectives. By contrast, opposition movements typically lack such mechanisms. Although a sense of solidarity binds many hacker-comrades, and a dispersed, loosely associated network of small bands convenes around electronic discussion groups (such as Slashdot.com) and magazines (such as *2600: The Hacker Quarterly*), forming what Bruce Sterling once called a "digital underground," there are no formal entry requirements and no clearly representative organizations or individuals to express substantive positions from the hacker perspective. In such circumstances, as Gitlin would predict, media presentation of hackers falls prey to serendipity and the media's taste for celebrity and melodrama, even where it is not systematically shaped by the voices of the establishment.

For law enforcement and security agencies, hackers represent anarchy and disobedience, and for corporate agents they represent stubborn resistance to the imposed order of private property and restricted access. Hackers are not readily "tamed"; they explicitly eschew the rules of centralized authorities. This is a bad enough threat. How much worse if the rest of us were to identify with hackers and their "ethic"? The seventy million people who downloaded Napster and the even greater numbers who ignore the threats of established authorities and subscribe to file-sharing services such as Aimster and KaZaA are a corporate executive's nightmare.

One remedy is to separate the interests of hackers from those of the rest of us, construe public representations so as to make "us" see "them" as enemies, not friends. Lest we sympathize with hacker intentions, established institutions focus attention on destructive viruses, vandalism, intrusion, and theft. They fashion tools, technological and political, to "save" us from the negative impacts of these hacker attacks. Congress rises to the occasion with laws addressing the hacker "problem," from the 1986 Computer Fraud and Abuse Act to the 1998 Digital Millennium Copyright Act. In well-publicized sting operations of the 1980s, which Bruce Sterling calls "hacker crackdowns," police and FBI agents arrested hackers and "phreaks" (hackers who break into telecommunications networks), confiscated equipment, and pursued public indictments of infamous hackers such as Kevin Mitnick, Robert Morris, and Craig Neidorf.

Courts demonstrate their readiness to cooperate in such crackdowns by handing down guilty verdicts and imposing stiff punishments, from fines to jail sentences. In recent, highly visible cases, courts shut down Shawn Fanning's Napster and prohibited publication of DeCSS, a program that decrypts DVD disks for Linux machines, in Eric Corley's *2600 Magazine*. (In January 2002, Jon Johansen, a sixteen-year-old Norwegian hacker, was indicted by the Norwegian government, at the request of Norwegian and U.S. motion picture

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associations, for his part in creating DeCSS. If convicted, he faces two years in prison.) In the wake of the September 11 attacks, hacking became even less tolerable, as it feeds the fear of cyber-terrorism.

But old-fashioned hackers—who worship the pure hack, resent centralized control of computer power, and believe computing to be a source of public good—have not disappeared. They have receded into the background, relegated to the margins of a revised category that now is filled by vandals and criminals. The question that remains is whether we are well-served by this revision. I believe we are not, but not because I condone the actions of those who apply programming skills to stealing information or money, to damaging and vandalizing systems, or to placing critical systems at risk of malfunction. The problem is that we are robbed of a concept that once suggested an alternative to the new, imposed order of cyberspace.

IT IS A MISTAKE to allow hacker ideas, ideals, and ideologies to drift toward the margins. Consider Richard Stallman and his followers in the Free Software Movement. Though many scoffed when they insisted that software should be free—"as in speech," Stallman would quip, "not beer"—the enormous body of free software, including Linux, poses a formidable challenge to glib truisms about intellectual property and innovation. Eric Raymond, referring to the origins of the phenomenal Open Source Movement, notes that "the hacker culture, defying repeated predictions of its demise, was just beginning to remake the commercial-software world in its own image." Hacker ideology also inspired such luminaries of the information age as Tim Berners-Lee, dubbed "the inventor of the World Wide Web," who sees his efforts as continuous with projects and ideologies of such earlier hackers as Ted Nelson. Contributions to social welfare included more than free software, Raymond says, because "many of the hackers of the 1980s and early 1990s launched Internet Service Providers selling or giving access to the masses."

In the political arena, self-identified hackers have publicly supported causes of liberty and individual autonomy. In 1994-1995, for example, they were among those who doggedly resisted the Clinton administration's Clipper proposal, which would have limited individual access to strong encryption. In 1996, they joined the broad coalition opposing, and ultimately defeating, the Communications Decency Act, arguing that it would lead to unacceptable censorship of the Internet.

Hackers have also joined fights against political oppression, devising ingenious forms of political protest. In a historic case in 1998, "hacktivists" supporting Mexican Zapatista rebels developed Floodnet, which temporarily shut down the Web site of Mexican president Ernesto Zedillo by a coordinated bombardment of client-requests. The attack was carefully planned and controlled in the tradition of peaceful civil disobedience not to destroy, but, as described by Ricardo Dominguez, one of its leaders, "to create a disturbance that becomes symbolic, so a certain community can gain a voice in the media." More recent hacktivist concerns include the growing presence of video surveillance technologies in private and public spaces. The hacktivist group Institute for Applied Autonomy charts routes of least surveillance through Manhattan streets, and an anonymous Web site at http://rtmark.com/cctv/ offers advice on how to disable cameras. In his article in the *Guardian*, published March 2001, Stuart Millar characterizes hacktivism as a "highly politicized underground movement using direct action in cyberspace to attack globalization and corporate domination of the internet," and, as such, an ideological heir to the great protest movements of the nineteenth and twentieth centuries.

In the end, it is protest that ties together the many variations of what I have called "old-fashioned" hacking. These hackers flail against encroaching systems of total order where control is complete and dissent dangerous. They defy tendencies of established powers to overreach and exploit without accountability. With their specialized skills they resist private enclosure and fight to preserve open and popular access to online resources, which they consider a great boon to humanity. Ornery and irreverent, they represent a degree of freedom; they open an escape hatch from a system that threatens

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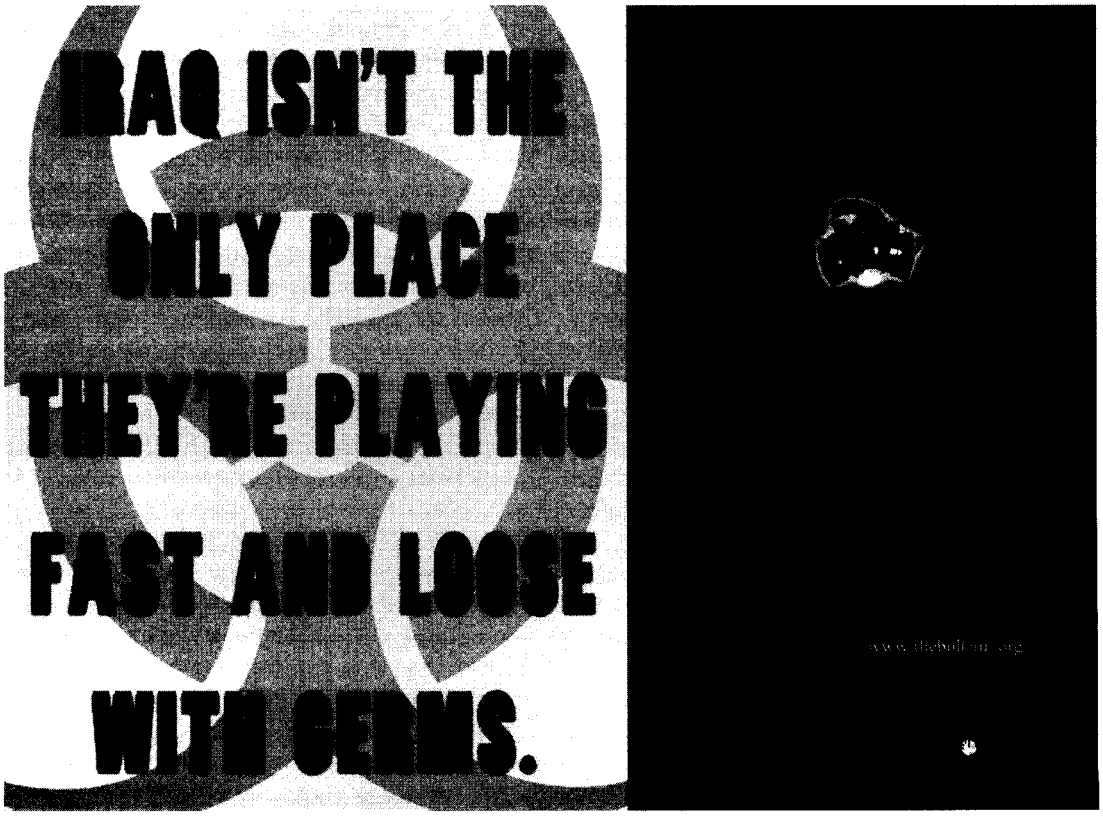
to become too regulated and controlled.

As noted earlier, there are people who apply technical know-how to harming others and committing acts of crime and terror. These people should be found, stopped, and punished no less because their mode, or object, of attack is high tech. But the growing tendency to portray these individuals as typical of the category erases crucial meaning from the concept of "hacking." If I had the power to fix meaning, I would deny criminals and terrorists the term; I would reserve "hacker" for those who turn their technical virtuosity to conscientious pursuit of the specific constellation of social values discussed above.

But it probably isn't possible to determine semantic outcomes, and even if it were, it certainly would not be easy to draw clear lines. I hope simply to have shown what is at stake in allowing conscientious hackers to be identified as criminals and terrorists. This version of conceptual revisionism imposes two critical, if inverse burdens. First, in the wake of the September 11 attacks, when our predicament demands a unified resolve in dealing especially with terror but also with crime, adding hacker-protesters into the mix distorts the mission and exploits its urgency. Second, if we insist that hacker-protesters answer for the actions of criminals and terrorists, we will only distract them from their own task: to challenge the values and interests that are increasingly coming to dominate digitally mediated societies. Hacking deserves our unconfused recognition and warrants a place in a free society alongside other forms of legitimate protest. ●

HELEN NISSENBAUM has written about privacy, trust, accountability, and other values in the information age. Co-editor of the journal *Ethics and Information Technology*, she serves on the faculty of New York University.



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Against Military Tribunals

Harold Hongju Koh

Last January, Zacarias Moussaoui, a French national of Moroccan descent, pleaded "not guilty" in Virginia federal court to six counts of conspiring to commit acts of international terrorism in connection with the September 11 attacks on the Pentagon and the World Trade Center. In other times, it would have seemed unremarkable for an American civilian court to try someone charged with conspiring to murder American citizens and destroy American property on American soil. More than two centuries ago, Article I, Section 8, Clause 10 of the U.S. Constitution granted Congress the power to "define and punish Piracies . . . and Offenses against the Law of Nations," a power Congress immediately exercised by criminalizing piracy, the eighteenth-century version of modern terrorism. Since then, Congress has criminalized numerous other international crimes, including aircraft sabotage and theft of nuclear materials. In recent decades, U.S. courts have decided criminal cases convicting international hijackers, terrorists, and drug smugglers, as well as a string of well-publicized civil lawsuits adjudicating gross human rights violations. Most pertinent, federal prosecutors have successfully tried and convicted in U.S. courts more than twenty-five members or affiliates of al-Qaeda, the very terrorist group now charged with planning the September 11 attacks, for earlier attacks on the World Trade Center and two U.S. embassies.

This history made even more surprising President George W. Bush's military order of November 13, 2001, which, without congressional authorization or consultation, suddenly declared that "[t]o protect the United States and its citizens, . . . *it is necessary for* [noncitizen suspects designated by the president under the order]. . . *to be tried for violations of the laws of war and other applicable laws by military tribunals*." (Emphasis added.) Bush's order has attracted harsh criticism abroad and milder challenge at home. Responding to this furor, regulations finally issued by the Defense Department in March now purport to guarantee some procedural protections to defendants brought before such military commissions, but no right to judicial review before civilian judges.

Amid this controversy, the practical question remains: given the exigencies created by September 11, what's wrong with the U.S. government's trying suspected terrorists before military commissions? Bush's order is wrong for two simple reasons: first, it undermines the United States' perceived commitment to the rule of law and national judicial institutions at precisely the moment that commitment is most needed here at home. Second, by failing to deliver justice that the world at large will find credible, the military order undermines our ability to pursue our core post–September 11 aim: leading an international campaign against terrorism under a rule-of-law banner.

Undermining the Rule of Law

The military order's specific legal deficiencies have been cogently summarized in a letter to the chair of the Senate Judiciary Committee signed by more than seven hundred American law professors. On its face, the order authorizes the Defense Department to dispense with the basic procedural guarantees required by the Bill of Rights, the International Covenant on Civil and Political Rights, and the Third Geneva Convention of 1949, to which the United States is a party. To the extent that current Defense Department regulations now provide for these procedures, they could be changed tomorrow. And insofar as any of these guarantees—which include the presumption of

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innocence, the rights to be informed of charges and to equal treatment before the courts, public hearings, independent and impartial decision makers, the rights to speedy trial, confrontation of adverse witnesses, and counsel of one's own choosing, the privilege against self-incrimination, and review by a higher tribunal according to law—are subject to suspension in time of emergency, the Bush administration has taken no formal steps to declare an emergency (or to explain the need for such a declaration). Even after the release of detailed regulations, the military order still undermines the constitutional principle of separation of powers. Under the order, the president directs his subordinates to create military commissions, to determine who shall be tried before them, and to choose the finders of fact, law, and guilt. However detailed its rules and procedures may be, a military commission cannot be an independent court, and its commissioners are not genuinely independent decision makers, but military officers who are ultimately answerable to the very secretary of defense and president who prosecute the cases before them. "Such blending of functions in one branch of the Government," Justice Hugo Black recognized, "is the objectionable thing which the draftsmen of the Constitution endeavored to prevent by providing for the separation of governmental powers."

If international law allows the United States to redress the unprovoked killing of thousands on September 11 by bombing al-Qaeda perpetrators, what obliges the United States to give captured accused culprits any trial at all? The answer to this question addresses the most fundamental rule-of-law concerns. Trials promote four legal values that are higher than vengeance: holding the perpetrators accountable for their crimes against humanity; telling the world the truth about those crimes; reaffirming the norms of civilized society; and demonstrating that law-abiding societies, unlike terrorists, respect human rights by channeling retribution into criminal punishment for even the most heinous outlaws. The military order undermines each of these values.

First, military commissions create the impression of kangaroo courts, not legitimate mechanisms of accountability. Second, rather than openly announcing the truth, commissions tend to hide the very facts and principles the United States now seeks to announce to the world. Third, because military tribunals in Burma, Colombia, Egypt, Peru, Turkey, and elsewhere have been perceived as granting judgments based on politics, not legal norms, the U.S. Department of State has regularly pressed to have cases involving U.S. citizens heard in civilian courts in those countries.

Perversely, the Military Order threatens national confidence in existing legal institutions just when that confidence is already badly shaken by horrific terrorist attacks. Despite those attacks, both the presidency and Congress have continued to function, yet the order implicitly assumes that the third branch, comprising existing civilian and military courts, can no longer handle the very cases it dealt with just days before the attacks occurred. Supporters of military commissions have mistakenly concluded that standing American courts are somehow incapable of rendering full, fair, and expeditious justice in such cases. One might understand resorting to a military commission in a country where no currently functioning court could fairly and efficiently try the case. But over the centuries, the U.S. judicial system has amply demonstrated its ability to adapt to new, complex problems in criminal and civil law. Why should the United States try suspects in military commissions that fall short of the judicial norms to which we are committed, when our own federal courts have repeatedly and fairly tried al-Qaeda members?

Finally, military commissions provide ad hoc justice and hence uncertain protection for defendants' rights. Although the Defense Department's regulations now offer greater protections for the accused, those regulations—unlike the Bill of Rights, the Federal Rules of Criminal Procedure, or the Uniform Code of Military Justice—cannot guarantee those rights, as they are subject to change at the president's will. The absence of binding legal protection for the accused's human rights will become particularly acute should military commissions be convened at the United States Naval Base at Guantánamo Bay, Cuba, where

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hundreds are now being held. In 1994, when large numbers of Cuban boat people were held on Guantánamo, a federal appeals court in Atlanta rendered the extraordinarily broad (and strongly contested) ruling that "these [alien detainees on Guantánamo] are without legal rights that are cognizable in the courts of the United States." Read literally, the panel's holding would permit American officials deliberately to starve the alien detainees, to subject them to forced sterilizations, or to discriminate against them on the basis of their religion or skin color. Given the persistent U.S. criticism of communist Cuba for violating the rights of its prisoners, it is supremely ironic and tragic that the United States sought to create what appears to be its own "rights-free zone" for alien detainees on that part of Cuba under American jurisdiction.

Undermining Moral Leadership

Using military commissions harms our strategic interests. The tactic potentially endangers Americans overseas by undermining the U.S. government's ability to protest effectively when other countries use such tribunals. Most important, espousing military commissions undermines U.S. moral leadership abroad. The United States regularly takes other countries to task for military proceedings that violate basic civil rights. How, then, can the United States be surprised when its European allies refuse to extradite captured terrorist suspects to U.S. military justice? When the Chinese or Russians try Uighur or Chechen Muslims as terrorists in military courts, U.S. diplomats protest vigorously, and the world condemns those tribunals as anti-Muslim. We can hardly object when other countries choose to treat U.S. military commissions the same way.

The Bush administration has missed the key point: to win a global war against terrorism, nations that claim moral rectitude and fidelity to the rule of law must not only apply, but universally be seen to be applying, credible justice. Credible justice for international crimes demands tribunals that are fair and impartial *both in fact and in appearance*. By their very nature, military tribunals fail this test. Through extensive tinkering, the Defense Department's regulations have now sought to ensure that any military commissions convened will operate more fairly in fact. Even if such a result could be ensured, the commission's judgments will never be perceived as fair by those skeptical of their political purpose, namely, the very Muslim nations whose continuing support the United States needs to maintain its coalition against terrorism. The Defense Department will end up chasing its own tail. The more the department tries to address the perceived unfairness of military tribunals by making them more "court-like"—more transparent, with more procedural protections, and more independent decision makers —the more these modifications will eliminate the supposed "practical" advantages of having military tribunals in the first place, and still not dispel the fatal global perception of unfairness.

DID WE HAVE other options? How should the United States have pursued the issue of justice after September 11? To ensure that the international community perceived that those convicted for the September 11 attacks would receive fair and impartial justice, the United States should never have sent detainees to Guantánamo and should now bring suspects only before standing tribunals that have demonstrated their capacity to dispense such justice in the past.

Soon after September 11, some people argued that we should press for a new international tribunal to try terrorists. Given the administration's hostility to the International Criminal Court, that proposal never received serious political consideration. Although I have long supported international adjudication, I am skeptical about the international community's ability to overcome existing political obstacles and to create a fair tribunal quickly. International tribunals make the most sense when there is no functioning municipal court that could fairly and efficiently try the case, as happened in the former Yugoslavia and Rwanda. But even if the U.S. government were to support such a tribunal, at least two other permanent members of the Security Council—Russia and China—would probably withhold their consent from any judicial body that might pursue trials of Chechen or Uighur rebels whom they have labeled domestic "terrorists." Recent

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history shows that building new international tribunals from scratch is slow and expensive and requires arduous negotiations. Although proponents claim that an international tribunal would be more likely than a U.S. court to be viewed as impartial, an ad hoc tribunal created for the express purpose of trying the September 11 terrorists would not find greater acceptance in the Muslim world than the judgments of a civilian court system that has been in place for more than two centuries.

FINALLY, those who believe that an international tribunal with Muslim judges would ensure "Muslim buy-in" into the international adjudicatory process should recall that the last United Nations gathering before September 11 was the World Conference Against Racism, in which several Muslim countries sought to use the forum to pursue their political grievances against Israel. In the currently supercharged Mideast atmosphere, many of the same countries would doubtless argue that any UN tribunal to try terrorists should also try Israeli officials with no connection to the September 11 attacks, an argument that potential Western signatories to the tribunal would surely reject.

We should not conclude that only international tribunals can grant meaningful justice for international crimes. Absent extant, functioning international tribunals, the most credible justice will be delivered by time-tested domestic institutions, such as the United States' Article III courts and courts-martial. In surveying its justice options, the United States should have distinguished more carefully between its most pressing concern—redressing and preventing the murder of Americans on American soil—and much broader efforts to support the creation of an enduring post-Taliban system of justice in Afghanistan. The administration could have pursued a clear and simple division of labor: American civilian prosecutors and judges would try crimes committed against Americans on American soil, while experienced UN and international lawyers would address crimes committed against Afghans on Afghan soil.

Cases primarily involving crimes in Afghanistan—whether committed by the Taliban or the Northern Alliance—would have been best addressed by rebuilding the judicial system of Afghanistan itself, a task that, like the rebuilding of the Sierra Leonean, East Timorese, Bosnian, and Kosovar legal systems, will require substantial and sustained international and UN input. However heinous the offenses of Afghan war criminals against other Afghan citizens may be, they should not be adjudicated by American courts or courts-martial that have little interest or expertise in the decades-old Afghan conflict. Egregious Afghan violators such as Mullah Omar and his close deputies should be given treatment similar to that given brutal rebel leader Foday Sankoh of Sierra Leone: namely, arrest, humanitarian treatment in custody, permanent exclusion from governmental activity, no amnesty for war crimes or crimes against humanity, and eventual trial before the emerging indigenous judicial system. Third-party combatants should have been brought before the competent tribunals mandated by the Geneva Conventions for determination of prisoner-of-war status or sent back to the country of their nationality to face national punishment, after assurances that their trials would strictly observe international due process standards.

Had this strategy been followed, the U.S. government would never have brought any captives to Guantánamo, where hundreds are languishing in what now seems to be prolonged indefinite detention. The United States should have sent for trial before American civilian courts by seasoned federal prosecutors only those cases involving defendants (such as leading al-Qaeda members) who have been charged with or suspected of murdering or plotting to murder American citizens on American soil. Since three al-Qaeda suspects—Zacarias Moussaoui, the "American Taliban" John Walker Lindh (who has now accepted a plea bargain), and the "shoe bomber," Richard Reid—have been brought before U.S. civilian courts, I see no need to charge any future defendants before untested and suspect military commissions. (Indeed, John Walker Lindh's plea bargain only demonstrated again that the existing criminal justice process is fully capable of handling even trials of detainees whose crime was fighting alongside the Taliban.)

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Instead, our government now holds hundreds on Guantánamo, and may initiate military commissions there. Two American citizens—Yasser Hamdi and José Padilla—are being held as "enemy combatants"—incommunicado and without due process—in military facilities within the United States. Although fellow Americans John Walker Lindh and confessed mass murderer Timothy McVeigh enjoyed full legal rights and representation throughout their proceedings, these other Americans are being denied all procedural rights. Yet sweeping all "unlawful combatants" who have committed "war crimes" into untested, unwise, and legally deficient U.S. military commissions is a short-sighted strategy that will surely invite hostile foreign governments reciprocally to "try" and execute captured nonuniformed American personnel before similar tribunals.

In sum, the battle against global terrorism requires credible justice, which military commissions cannot provide. Credible international tribunals can provide credible justice but would be difficult to create under the current political circumstances. That leaves standing civilian courts or courts-martial that operate under preexisting and transparent rules. Creating military commissions, using Guantánamo, and labeling American criminal defendants as "enemy combatants" have been tragic and unnecessary errors. If the United States wants to show the world its commitment to the very rule of law that the terrorists sought to undermine, it should take this opportunity to demonstrate that American courts can give universal justice. ●

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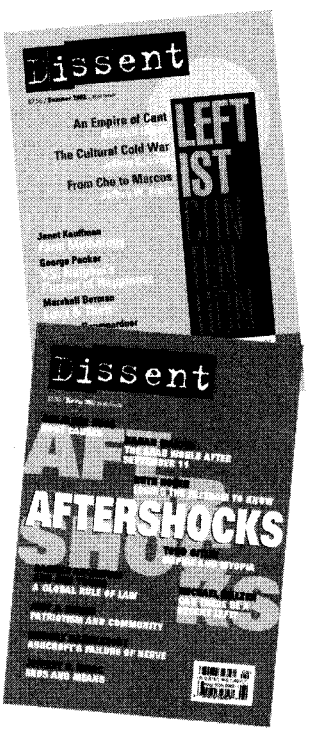

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How to Judge Future Judges

Sanford Levinson

I BEGIN WITH two quotations from members of the Supreme Court itself. The first was written by Felix Frankfurter some seventy years ago: "[M]embers of the court are frequently admonished by their associates not to read their economic and social views into the neutral language of the constitution. But the process of constitutional interpretation compels the translation of policy into judgment, and the controlling conceptions of the justices are their 'idealized political pictures' of the existing social order." Stephen Breyer much more recently puts the matter slightly differently, though he arrives at the same basic conclusion. After first stating that "[p]olitics in our decision-making process does not exist," he distinguished what might be termed "low" from "high" politics: "By politics, I mean. . .will it help certain individuals be elected?" He quickly went on to say that "[p]ersonal ideology or philosophy is a different matter. . . . Judges have had different life experiences and different kinds of training, and they come from different backgrounds." Most important for our present purposes is Justice Breyer's forthright comment that "[j]udges appointed by different presidents of different political parties may have different views about the interpretation of the law and its relation to the world."

Justices Frankfurter and Breyer raise the central issue that senators must face in passing on presidential nominations to the judiciary. Judges with different ideologies will shape the Constitution in radically different directions, with effects that are likely to be felt for generations to come. Frankfurter himself, for example, was one of several of Franklin D. Roosevelt's appointees who together rejected the constitutional learning of seventy years and established a very different framework of congressional regulatory power and federal-state relations than that which existed prior to their service on the Court. And it is worth noting first, that this framework survived, without serious challenge, for at least a half-century and second, that it is now under serious challenge. Significant portions of it have been questioned, if not overturned, by the Court's new majority, appointed by Ronald Reagan and George H. W. Bush.

When considering nominees for the bench, senators must obviously first make sure that they meet certain baselines of professional competence. But this is almost never a serious hurdle, and the rest of my discussion assumes that it has been surmounted. At this point, then, the crucial question that senators must decide is what they believe the Constitution of the United States, at least as interpreted by the Supreme Court, should look like years from now. They must therefore ask if these nominees offer compelling visions of what our constitutional order truly is (or should be). The good *and* the evil that these men and women do will live long after they leave the bench.

The original framework of the Constitution presumed that the Senate would play an important role in the judicial appointment process and serve as a necessary check and balance to the power of the executive. This made sense in 1787, when the Constitution was initially drafted. Subsequent developments in our nation's history, however, make the argument for Senate supervision of the president's judicial nominations even stronger and the Senate's

Most of this article was originally presented as testimony to a subcommittee of the Senate Committee on the Judiciary, on September 4, 2001. The date, of course, is significant, and I have added a paragraph, at the appropriate place, indicating what I would have said had the hearing been held after the events of the following week. S.L.

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role as a check on presidential efforts to transform constitutional meaning even more crucial.

I emphasize two such developments. First, no one in 1787, even if a supporter of the abstract idea of judicial review, could have contemplated the role that courts would come to play in our political life, including decisions, sometimes in quite minute detail, regarding the most important political issues before the country. Even more to the point, situated as they were at the very beginning of the great American experiment, they did not understand that the work of judges (and, for that matter, of presidents and members of Congress) would greatly reshape the meaning of the Constitution over time. The Constitution that emerged from the New Deal and the Second World War, for example, is a substantially different document from the one that existed in the 1840s, when few people imagined a significant congressional role in helping to regulate a national economy, and when the United States was still able to maintain a more or less detached posture vis-à-vis world politics. And, of course, it is not only the Congress and the president who today possess powers that would have astonished earlier generations. It is the judiciary as well. One may celebrate this set of developments or regret them, but they are part of the constitutional system that we live under today. No one denies that it matters who is elected to the executive or the Congress; it would be equal folly to pretend that the identity of those who sit on the federal bench is without consequence to the quality of American life and liberty.

Second, the authors of the 1787 Constitution assumed that there would be no organized political parties—the very idea appalled them. They would therefore surely be astounded to learn that the common practice is for presidents deliberately to staff the judiciary with people from their own political party in order to promote a distinct ideological agenda. Indeed, a testament to the pervasiveness of this development is that Justice Breyer's statement quoted at the outset stirs no contemporary sense of outrage and is, instead, quite properly treated as a truism about constitutional politics.

Nor is this a recent development. It was, after all, James Madison himself who became, during the 1790s, one of the leading founders of the Democratic-Republican Party that vigorously opposed the Federalist Party headed by Alexander Hamilton. The creation of the party system led to the election fiasco of 1801, when it took the House of Representatives thirty-six ballots to break the tie vote between the Democratic-Republicans Thomas Jefferson and Aaron Burr. The tie was the direct result of the original Constitution's failure to recognize the existence of political parties and to assume instead that members of the Electoral College would vote in a disinterested manner for the two people they thought best equipped to be president. The development of political parties (and, therefore, of "tickets" that joined candidates for president and vice president together, whatever the particular competence of the latter) led, therefore, to the quick adoption of the Twelfth Amendment. It formally separated the electoral tracks for president and vice president, a clear acceptance of the legitimacy of the party system.

Indeed, by the time the House was choosing the new president in March 1801, it was clear that the Framers' original vision of a judiciary free from partisan influence had collapsed for precisely the same reasons that had invalidated the original vision of the Electoral College. After all, the last thing that the outgoing Federalist president, John Adams, did before leaving office was to pack the judiciary with Federalists, confirmed by a lame-duck and popularly repudiated Federalist Senate. Adams and his Federalist associates hoped that these new judges would use all the powers at their disposal to put stumbling blocks in the way of the detested and feared Jeffersonians. The most famous such appointee was, of course, John Marshall, whose designation as chief justice was understood by one and all to be a powerful political statement. And the lawyers' chestnut case of *Marbury v. Madison* concerned a far more obscure "midnight judge" whose commission the new secretary of state (John Marshall's successor, James Madison) refused to deliver.

Thus, only a dozen short years after the ratification of the Constitution, the practice of

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linking judicial appointment to possession of the correct party membership and ideological perspective was firmly established. "Non-partisan" simply does not describe the two centuries of nominating and confirming federal judges. No serious person could possibly doubt that the executive branch, when submitting nominees, is attempting to shape the Constitution to its own favored visions.

Ideological judgments play a legitimate role in the consideration of judicial appointments—and this point applies to both parties, regardless of whose ox is being gored. In recent years, Republican senators stalled the confirmation of many of Bill Clinton's nominees to the judiciary. I cannot offer any other than political objections to this, at least when that opposition was candidly expressed as a good-faith belief that a nominee possessed an unacceptable view of the Constitution. All senators take an oath to "support" the Constitution, and it is important that everyone—including all elected officials and even ordinary citizens—take seriously his or her own non-delegable, obligation to interpret the meaning of the Constitution. That means, at the very least, that every senator, and particularly those on the Judiciary Committee, must decide what the Constitution, best understood, actually requires in our never-ending quest to realize the aims of the Preamble—above all, its emphasis on "establish[ing] Justice."

This is not an easy task; reasonable people can certainly disagree about it. If I disagreed with the opposition of Republican senators to President Clinton's nominees, it was because I do not share Republican ideological commitments, not because I think the senators had a duty to exhibit automatic deference to the president. Senators of both parties must think through these issues of constitutional interpretation for themselves rather than bow humbly before a presidential determination as to who should be on the federal judiciary.

It is, therefore, thoroughly legitimate, under ordinary circumstances, for senators to concern themselves with the direction in which federal judges are reshaping the American Constitution. But these are not ordinary times. Hovering over any discussion of judicial nominations in our day are two central events. The first is that this country is in the midst of a constitutional revolution in areas of federal-state relations and civil rights. Many of the key cases in this constitutional revolution have been decided by narrow 5-4 votes in the Supreme Court that express what law professors Robert Post and Reva Siegel have aptly termed a "juricentric" view of the Constitution that renders irrelevant the views of Congress as to what might be the "necessary and proper" use of powers assigned in Article I of the Constitution.

THE CURRENT Court is composed of a majority of justices, themselves without significant political experience, who appear to view politicians as the agents of private interests and pressure groups, unworthy of trust. Because of its disdain for the other branches of government and for the wisdom that might be generated by service in those branches, the Court gives the impression that only it can be trusted to enforce constitutional values or to think about what the Constitution means. Three important examples of this contempt, for Congress especially, are *Flores v. City of Boerne*, in which the Court blithely invalidated the Religious Freedom Restoration Act, supported by overwhelming majorities of both houses of Congress and by the president of the United States; and *United States v. Morrison* and *University of Alabama v. Garrett*, in which five-judge majorities exhibited ill-disguised disdain for the relevance of the many hearings, held over several years, that led Congress to pass the Violence Against Women Act and the Americans with Disabilities Act. This revolution will be quelled, or it will go into overdrive—with significant consequences for our system of government—depending on the next set of appointments to the federal judiciary.

The second key event is that the occupant of the Oval Office, who by virtue of his position gets to nominate those who will decide the fate of the constitutional revolution, was neither elected by a majority of the American electorate nor, far more to the point, by ordinary operation of our Electoral College system. Instead, he was granted his office by a willful decision of the U.S. Supreme Court. The five justices who decided *Bush v. Gore*—and who,

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not at all coincidentally, are the architects of the constitutional revolution whose fate is at stake—put themselves in the remarkable position of making sure that the person charged with appointing their colleagues and successors would be the one most sympathetic to the ongoing revolution. At the risk of stating the obvious, this is not how the constitutional system of checks and balances, including the vision of a judiciary removed from politics, was supposed to work.

Bush v. Gore remains the equivalent of a stinking pig in the parlor. One simply cannot calibrate the responsibility of senators at this crucial moment in our nation's history without taking it into account. Senators who share my concerns about the way that the U.S. Constitution has been rewritten over the last decade and who believe that the Court's intervention in the political process was an especially ugly breach of judicial propriety must not ignore its implications for their constitutionally assigned role as partners in the appointments process.

In at least one way the aftermath of the 2000 election was even more disturbing than its counterpart two hundred years ago. In 1800, no one doubted that the House of Representatives was the proper body to decide the election dispute. In December 2000, however, we were presented with the spectacle of five Republican judges using their power not only to shortcut the process of counting the votes in Florida but also, in effect, to render irrelevant the possibility that Congress, exercising its constitutional powers, would resolve any continuing disputes and, as in 1800 and 1824, name the president (who, of course, might well have been George W. Bush). One need not accuse them of consciously betraying their oaths of office. But their choice to intervene as they did placed them in a patent conflict of interest. No one could seriously doubt that the five justices in the majority relished the prospect that the White House would be inhabited by a Republican who could, among other things, nominate their successors. In December 2000, it appeared that the Senate would continue to be Republican. The very possibility that the five justices were completely sincere in their conscious belief that they decided *Bush v. Gore* on the basis of the law alone simply underscores the point that judges are human beings like the rest of us, with a propensity to read the Constitution, if at all possible, in a way that provides "happy endings." In this case, the happy ending was supposed to be a Republican president picking Republican justices to be confirmed by a Republican Senate.

Many law professors regard *Bush* v. *Gore* as a patently illegitimate decision, shoddily argued and monumentally unpersuasive; and many of us believe that its illegitimacy taints Bush's status as our president. As a practical matter, though, there is little that one can do about *Bush* v. *Gore*. George W. Bush does indeed occupy the White House, and no one seriously suggests that he ought not be accepted as our president. But it is absolutely incumbent on those who were properly appalled by the majority's behavior in December 2000 to stand vigilant against allowing it to profit from its own wrong by agreeing to the packing of the federal judiciary with nominees committed to extending the majority's constitutional revolution.

THESE ARGUMENTS need to be extended as a result of the events of September 11 and their aftermath. War, whether formally declared or not, always brings in its wake a host of vital constitutional questions. Already being actively debated are, for example, the use of ethnic profiling, the propriety of indefinite detention and secret trials, and the legitimacy, under some circumstances, of the use of torture. These are all "substantive" issues, involving the rights possessed by individuals against government. But there are also procedural institutional issues, involving who should make the necessary decisions. This Bush administration is notable for its invocation of unfettered power. One must reach back at least to Lincoln's time to find similar assertions of executive authority. We might remember that not all of them were upheld. In any event, it is beyond doubt that many of these issues, dealing with both substance and procedure, will come before the judiciary, and the Executive Branch will undoubtedly try to stock the bench with judges who share its own exaggerated view of executive power.

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The Argument for Balance

Some legal scholars, including Chicago's Cass Sunstein and Harvard's Laurence Tribe, have argued that the Senate should aim at maintaining (or restoring) "balance" to the Court and achieving the right "mixture" of viewpoints. That is, they argue that the Court is currently tipped too far to the right and needs to be collectively brought back toward the center. I agree, of course, that the present Court is too much in thrall to right-wing perspectives. But I have no desire to endorse the call for "balance." Do any of us, for example, believe that Franklin Delano Roosevelt had an obligation to begin appointing opponents of the New Deal after 1941 when he had "captured" the Court by making five or six new appointments that assured the triumph of New Deal legislation? (Needless to say, all of his appointees had no doubt that the national government possessed the powers required to pass and administer New Deal legislation.) Or should Dwight Eisenhower or Lyndon Johnson have appointed a Southern white segregationist to the Court, given that the Court no longer reflected that perspective in the years after *Brown v. Board of Education* in 1954? To ask the question is to answer it. One must ultimately argue about the attractiveness of the substantive visions, not make claims in behalf of a basically spurious notion of "balance."

President Roosevelt's authority to appoint justices like Felix Frankfurter and Senator Hugo Black and his attorneys general Robert Jackson and Frank Murphy came from his repeated re-election. His victories at the polls suggested that Americans viewed as necessary and proper a variety of changes in the basic structure of our political system, ranging from a significantly strengthened Congress to an elaborate system of administrative agencies charged with implementing congressional enactments. In like fashion, Lyndon Johnson's 1964 landslide victory, coupled with equally impressive legislative victories by the Democratic Party in 1964 and 1966, established all the authority that was necessary to promote an agenda of racial equality in naming new members of the federal judiciary.

The same thing might be said, incidentally, about the nomination and confirmation of Antonin Scalia during the Reagan administration, shortly after Ronald Reagan's smashing victory in 1984 and the return of a Republican Senate. The unlucky Robert Bork surely would have been confirmed had he been nominated during that period. Democrats would have justifiably been appalled, but they could not in good faith have charged Reagan and his Republican allies with any misuse of their power.

But George W. Bush lacks precisely this sort of political authority to throw the Court further to the right and to reshape the meaning of the Constitution for generations to come. George W. Bush is not Ronald Reagan, and the disputed election of 2000 is not the landslide of 1984. And, frankly, given the two-hundred-year acceptance of the legitimacy of political parties, Democratic members of the Senate are under no duty to pretend that they are not the majority.

Whether "balance" is really the issue is underscored by a question raised by Illinois Senator Stephen A. Douglas in one of the electric moments of our political history, his famous debates with Abraham Lincoln. Speaking of the Court's 1857 decision in *Dred Scott*, which in effect held unconstitutional the platform of the newly formed Republican Party, Douglas noted that "Mr. Lincoln cannot conscientiously submit, he thinks, to the decision of a court composed of a majority of Democrats. If he cannot, how can he expect us to have confidence in a court composed of a majority of Republicans?" Douglas's use of the word "majority" is key, for he is speaking not of "balance" and the propriety of having a Republican voice on the Court. (That, indeed, existed.) Nor would Lincoln have been any happier if *Dred Scott* had been a 5-4 decision instead of 7-2. Rather, Lincoln objected to the fact that the Supreme Court was controlled by persons committed to what he properly viewed as an odious view of the Constitution. And Douglas recognized that Lincoln was committed to securing a new majority, as in fact he did upon his election to the presidency two years later, when he was able to nominate justices who would be confirmed by what had become a Republican Senate.

Focusing on questions of "balance" and "mixture," I am afraid, simply allows us to ne-

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glect talking about the real issues before both the Senate and the American public. What should become of the constitutional revolution put in place by the current five-person majority? Should the Senate allow the decision in *Bush* v. *Gore* to give its proponents a political advantage in carrying that revolution forward?

TWO FINAL comments about "balance." First, to the extent that it is in fact desirable, the best way to achieve it is through the ordinary political process of shifts in power among the political parties in both the executive branch and the Senate. Second, if senators wish to wrestle with the question of the best "mix" of judges on a court, I would emphasize the importance not only of abstract ideology, but also of what Justice Breyer described as "life experience and different kinds of training." I believe that what is missing on the current Supreme Court is someone with serious political experience. The developing custom of appointing only persons with prior experience on the bench is, I believe, unwise, depriving the Court of important perspectives that come from immersion in the political process. Courts in the past have regularly included former senators; governors; cabinet officials; and, in one instance, a former president. We would do well to return to that practice.

In one sense, this emphasis on political experience is independent of ideology inasmuch as there are obviously both Democrats and Republicans who would bring rich political backgrounds to the judiciary. But there is at least one connection worth mentioning. As suggested earlier, one theme that runs through many of the Supreme Court's recent decisions, including *Bush v. Gore*, is a near contempt for politics and politicians. The Supreme Court, therefore, has made its own contributions, together with the tabloid press and cable news shows, to the pervasive cynicism about the political process that is corroding our political system. The voice of an honorable practitioner of the arts of politics would be a valuable addition both in the conference room of the Supreme Court and, indeed, in the written opinions themselves.

I have emphasized the issues posed by nominations to the Supreme Court, in part because they are most visible and undoubtedly stir the most intense public controversy. But one should not minimize the importance of appointments to what the Constitution deems "inferior" federal courts. Indeed, because of the fact that the Supreme Court hears only relatively few cases in any given year, almost all decisions of the circuit courts are in fact final, not only for the litigants in the particular case but also for the millions of persons who happen to live in a particular circuit. Circuit judges do not enjoy the same degree of freedom as do Supreme Court justices with regard to overruling past decisions, but it would be foolish to ignore the extent to which imaginative and innovative circuit judges exercise a real influence on legal developments, for good and for ill. No one, for example, could understand the current constitutional revolution without paying attention particularly to certain judges on the Fourth and Fifth Circuits. This does not mean that the same level of ideological scrutiny should be applied to all nominees at each level of the federal judiciary. It does mean, however, that ideology should not be irrelevant even when considering a nominee to a federal district or circuit court. All of my arguments with regard to justified wariness about rubber-stamping nominations to the Supreme Court apply in full to the "inferior courts." This is, after all, the lesson taught by *Marbury,* which involved someone nominated to serve as a justice of the peace in Washington, D.C. To this extent, at least, we should learn from Thomas Jefferson and realize that serious questions may be raised as easily by obscure nominees as by the most visible. ●

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Pluralism, Truth, and Social Democracy

Brian T. Trainor

"I WANT TO TALK as a philosopher today—a practical and engaged philosopher. I won't argue for particular policies, but I also won't remain at the level of abstract principles. If philosophy is to engage with politics, it had better be political, not metapolitical philosophy." Most readers will no doubt feel a strong sympathy with these words from the beginning of Michael Walzer's article "Pluralism and Social Democracy" (*Dissent*, Winter 1998) and with Michel Foucault's insistence that we should immerse ourselves with patience and persistence in the problems of everyday life. I wish nevertheless to introduce a note of caution.

It is certainly unexceptionable for leftist thinkers to aspire to be "practical and engaged philosopher[s]" but only if this stance is not compared invidiously with that of speculative, metaphysical, or truth-seeking philosophers. We need to keep our minds open to the possibility that an "engaged philosophy" may be practical and at the same time metaphysical. It wasn't that long ago, after all, that the term *praxis* was used in leftist circles to highlight the intimacy of philosophy and politics. But Walzer seems at times to suggest that metaphysical or truth-oriented reflections on political practice hover idly above "real political life," and Foucault is adamantly opposed to any form of truth-seeking political philosophy. I want to argue that left intellectuals should be explicitly and unashamedly truth-seeking, despite the reservations of Walzer and the outright hostility of Foucault to such a suggestion.

Walzer is right when he says that we no longer "admire people who make themselves organs of historical necessity, instruments of an all-powerful party, disciples of a sectarian leader, ideological or religious zealots," and Foucault is right when he insists that left intellectuals should cease to be "masters of Truth." But surely what this means is that we should strive all the harder to be "seekers and servants of Truth." We need to think as hard as we can about what is happening in our society. Families and communities are breaking up; poverty and inequality are still very much with us; large sections of our youth are confused and uncertain about life, and too many of them are close to suicidal despair: we need to know why. We need to find the real reasons for these things and to provide a true account of what is happening in our society (or to get as close to reality and truth as we can). We should seriously consider every truth-seeking metanarrative and every grand theory that claims to illuminate our current malaise.

But what exactly are metanarratives? Given the intense hostility they have aroused among postmodernist critics, I want to pause for a moment to consider this question. A metanarrative is a story that provides an account of how the humanity of each of us interweaves with the humanity of all of us. It links the story of my/our origin and destiny to the origin and destiny of "all of us." Marxism and feminism, both of which tell the story of how we exit from an era of darkness (capitalist or patriarchal) and progress toward (or stumble into) some kind of light, are perhaps the best-known examples. Whatever may be said against them, they at least have the great redeeming feature of trying to show how the meaning of our lives is intimately connected to the meaning of the universe as a whole. In brief, a metanarrative tries to tell the truth about the collective movement of historical and contemporary humanity, to reflect upon its twists and turns, and to offer ideas and insights about where we should, or shouldn't, be headed.

The importance of truth in a liberal, plu-

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ralist society may be highlighted by considering the old Jewish proverb quoted by Walzer in his article: "You are not bound to finish the work, but neither are you free to give it up." Walzer uses this proverb to highlight the tensions in our attitude as free citizens of a pluralist society toward the projects we have inherited from previous generations. He points out that without projects "so central to our lives that we were prepared to impose them on our children, the freedom to choose (or refuse) would be very nearly meaningless." He insists that what is crucial for freedom is the capacity to exit from (parental) groups, for whatever reason, and find a new home in alternative associations. However, as he says, "this freedom to come and go requires that there be somewhere to come from and go to; it requires a genuine pluralism, a diversity of groups with members who are engaged, entangled, committed, hard at work." Walzer is concerned that modern individuality and mobility may be self-defeating if individuals "move so fast and in such numbers that [society's] groups and associations cannot sustain an inner life and if they experiment so casually that they are not marked by the experience. Hence, he believes that it is important, both for freedom itself and for our personal and collective health and happiness, to "create and re-create stable social settings—families and communities—that produce strong individuals and provide them with seriously and interestingly different possibilities."

Walzer has carried the work thus far, but to carry it further, we need to ask what it is that makes a possibility "seriously and interestingly different." Consider the case of a young man who is reared in a stable, devout, and deeply spiritual Jewish household. Having reached the age where he can fully exercise his independent judgment, he owes it to his family, his community, the wider (pluralist) society, but, above all, to himself, to reflect critically upon the upbringing he has received. As a consequence, he may come to realize that he has lived his life up to this point in what we might call a cultural ambiance of truth; or he may feel, as a consequence of his critical reflections, that the truth he has inherited and wishes to live by needs to be expressed differently by his generation and that he has important "work" to do; or he may come to believe that what was portrayed to him as the living inheritance of truth is in fact a grand deception. Obviously, it is only when such a point is reached that secular humanism, atheism, Buddhism, Christianity, and so on, fully emerge in his mind as serious and interesting possibilities, having lain latent, so to speak, up to this point in his life, in his pluralist social environment. The end result is unpredictable. He may become, say, a Buddhist monk, if that is the "own self" to which he wishes to be "true." But whatever choice he makes, he is answerable to the higher court of our common humanity.

What Walzer says of solidarity, that it is something that people experience separately and differently, can also be said of Truth. Standing before the court of humanity, this young man must believe that Truth itself legitimates his personal choice by speaking to him in its unique voice. This vertical relation to Truth is crucial. Thus, we may say that in this case, and perhaps for all of us, the solidarities of family and community are horizontal, that is, socially acquired, but that they must be legitimated and confirmed vertically through this relation to truth. Walzer is correct to insist that solidarity "must have its local and particular sites" and that "it is built from the ground up," but it is also true that the empirical (horizontal or inherited) solidarities need to be confirmed and enlivened from the top down. Surely we cannot take the value of our families, associations, or societies seriously unless we believe (even in fear and trembling) that they are genuinely valuable and that our "local site" is a particular embodiment of our common humanity.

Truth in Social Criticism

I now wish to suggest that an explicitly truth-seeking approach provides support to the kind of social criticism so strongly commended by Walzer. The task of social criticism, he argues, is to identify examples of tyranny and longstanding oppressive practices and to call them by their proper name; that is, "to say that *this* is tyranny." But how is the social critic to execute this task? When we call a particular exercise of criticism sound or incisive, don't we

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have its relation to Truth in mind—or its unmasking of the ways in which current practices distort truth? All social criticism implicitly involves standing apart from a group or practice in order to criticize it from a different (higher? better?) vantage point. Consider Walzer's own example of a longstanding oppressive practice that he wishes to name and criticize: the denial of education to their women members by religious or cultural associations.

A particular Muslim group in a liberal pluralist society, let's say, believes that it is proper to deny its female members any formal education. Such a group can defend itself in either a vertical, truth-seeking manner or in a horizontal, empirical manner. A merely horizontal defense would consist in saying that, as a matter of fact, the belief is accepted by all members of the group, including its women; it is essential to the group's sense of identity and solidarity, and in a democratic, pluralist society, it is not obliged to say anything more than this. In contrast, a vertical defense would claim, for example, that a woman finds her ultimate fulfillment (the truth of who she really is) in motherhood and hence that she needs only the informal education provided by everyday family life. Now the key characteristic of this latter line of defense is that, simply by virtue of being truth-seeking, it automatically renders itself susceptible to arguments from other perspectives—for example, to the argument that formal education for women may enhance, rather than undermine, their mothering role or that mothering isn't the necessary role of every woman. Thus, the vertical defense invites, whereas the horizontal defense repels, genuine social criticism.

I suggest that a society characterized only by a horizontal series of groups, each hugging its own private truth, which it regards as beyond the reach of criticism, can hardly be described as a pluralist society. The play of argument and open communication between groups and individuals in a free-flowing dialectic are integral to the life of a pluralist democracy. Genuine pluralism and truth-seeking social criticism go together, even if the two are in perpetual tension. For what group does not secretly harbor the desire to shield its truths, which it hopes are expressions of Truth itself, from a probing critique?

Social criticism necessarily cuts both ways, has no favorites, and always has surprises in store. Consider, for example, the case of a Muslim woman who says, not just to her Muslim sisters but to all women and men: "A woman's veil is her strength." This, too, is a form of social criticism. The danger, however, is that it might too readily be dismissed as a merely private, horizontal truth, peculiar to a particular group, with the result that the kind of tension it *should* introduce into the inter-group life of a pluralist society is avoided. What this Muslim woman is entitled to from the wider society is, first, the recognition that a serious truth claim is being advanced and, second, the honesty and courage of a vertical response. A conceivable reply might proceed along the following lines: "Maybe modesty in dress and behavior does indeed convey a sense of strength, enabling a woman to be her own person and to enjoy a certain freedom in her sexuality. Even if this is so, modesty can have different cultural expressions of which the veil is only one." But whatever reply is offered, it should be a vertical, truth-seeking response; the spirit of pluralist democracy requires no less.

Foucault's Games

The sheer complexity and many-sidedness of Foucault's approach to social and political life make any brief treatment of his work difficult. But certain points are reasonably clear. First, Foucault took a strong stand against any sort of truth-seeking politics. In *The Use of Pleasure* he set out to study "the games of truth and error through which being is historically constituted as experience." His games are not, of course, a series of dialectical moves toward a truer account of the social world. Rather, they are the major means through which disciplinary or professional power "manufactures" normal individuals of a certain kind. For Foucault, each professional discipline operates as a "will to power" or a "regime of truth," which holds both its practitioners and those upon whom it is practiced in its grip. Second, Foucault claims that we must always be alert to what he calls the "main danger"—that we will be taken in by the latest "regime of truth" parading itself as a "regime of Truth."

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Third, Foucault was adamant in his insistence that we should immerse ourselves with patience and perseverance in the life-and-death problems of everyday life. As noted earlier, he wanted to be a practical and engaged philosopher. Here, however, we encounter a profound irony and a curious, even dreadful, paradox. For what if we take our cue from Foucault and focus upon pressing everyday concerns in the manner he commends, only to find that the burning issue that forces itself upon our attention is the issue of truth itself? What if the meaning and value of one's everyday life is itself a key issue for ordinary people? What if, to be more precise, young people are asking, "How can I live my life as an expression of value?" What if the crucial questions are the meaning-of-life questions that philosophy once routinely dealt with?

A brief comparison of today's youth with youth in the 1960s highlights the enormous cultural distance we have traveled in a short period of time. In the 1960s, young people either felt a deep sense of alienation and fought against what they saw as obsolete and repressive (capitalist/individualist/materialist) truths in the name of Truth itself, or they saw the same truths (now expressed as liberalism, individualism, material progress) as genuine values. In either case, they lived in a cultural ambiance of Truth. In contrast, young people in the West today exhibit a strong tendency towards anomie, that is, toward a "condition of relative normlessness." The disorientation, rootlessness, and apathy of so many of them, the strain of violence and mental depression, is largely due, I would suggest, not to an inability or unwillingness to embrace social norms and ideals, but to the felt emptiness of a society without norms and ideals, without metanarratives and grand theorizing. It's as if a mushroom generation has sprung overnight into existence, without having grown steadily and surely in the soil provided by inherited cultural traditions. All too many young people today do not experience a way of life whose core values and beliefs they are invited to endorse, but which they can also challenge, modify, or cast into new forms. Instead, they have been abandoned to their own devices by the previous generation's numbing fear of "normalization," that is, of "imposing" their values on their children.

The young Jewish man I spoke of earlier, with his privileged spiritual inheritance, can no longer be seen as representative of today's Western youth. Philosophical and cultural signposts seem to be largely absent in the lives of our young people; many, perhaps even most, see nothing on the horizon. They live in a world where Foucault's postmodern opposition to truth-seeking is part of the problem (perhaps, even, the "main danger") rather than part of the solution. Far from encouraging the emergence of a society in which young people can live and breathe, it actually impedes the birth, or re-birth, of intellectual vitality. The significance of human life suddenly seems to shrivel when metanarratives disappear from the philosophical landscape.

And what is true of the young today is also true of the left, which is as much in need of metanarratives at the present time as it ever was; indeed, it is *more* in need of them, for there is much more danger today than in the past that editors of union newspapers, teachers in experimental schools, or young lawyers working for civil rights lobbies may feel that they are on their own, that perhaps, after all, they are just pursuing their own private interest or hobby (what "turns them on"). They may even feel that their chosen form of social engagement is nothing more than an expression of their "will to power," as Foucault would say, and not part of a wider, genuinely progressive social movement. Thus, the fact that left intellectuals have rightly abandoned any claim to be "masters of Truth" in no way lessens their ongoing responsibility to be "servants of Truth," that is, to develop their own critical metanarratives and to play a constructive role in the formation of an intellectual culture characterized by its ecumenical graciousness toward metanarratives in general. ●

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Ends, Means, and the Politics of Dissent

Reply to Jeffrey C. Isaac

Manfred B. Steger

In the Spring 2002 issue of *Dissent*, Jeffrey C. Isaac and Michael Walzer take portions of the American left to task for their moralistic, knee-jerk opposition to the war on terrorism. Wondering why there can't be a decent ("intelligent, responsible, morally nuanced") progressive camp in the world's sole remaining superpower, Walzer suggests that the left's only way out of its current theoretical and practical stagnation lies in making a "new beginning." But what is this fresh start supposed to look like? This is where Isaac's piece comes in. Adopting a tone of haughty confidence reminiscent of Niccolò Machiavelli, Hans Morgenthau, Henry Kissinger, and other maestros of *Realpolitik*, Isaac urges the pacifist "campus left" to abandon its "debilitating moralism" and instead warm up to the levelheaded pro-war stance embraced by the vast majority of Americans. For him, the events of September 11 should have taught naïve peaceniks on the left a morally tough but politically necessary lesson: learn to work with the inevitable violence and messiness of the "real world" or accept political irrelevance.

As someone who considers himself part of the pacifist antiwar crowd, I always expect to be hammered on the subject of violence by right-wing war hawks like Lynne Cheney or Charles Krauthammer. Criticism from the left is usually confined to scornful ultrarealist Marxists—a dwindling bunch of sectarians Isaac is not known to hang out with. Indeed, the great respect I hold for Jeff as a friend and political thinker requires me to respond to his arguments. In my view, he uncritically proposes that the left adopt a realist narrative that equates pacifism with moral dogmatism and political impotence—an influential myth that serves only to shore up the dominant ideology of violence. My own experience with the pacifist campus left suggests a different picture. In countless post–September 11 interactions with students, faculty, and community members critical of the war effort, I encountered pacifist arguments that were far more thoughtful and nuanced than Isaac would have us believe.

The Caricature

Who belongs to the pacifist campus left? Isaac points to "progressive faculty and student groups, often centered around labor solidarity organizations and campus Green affiliates" such as the Student Peace Action Coalition Network, the National Youth and Student Peace Coalition, Global Exchange, and the Bloomington (Indiana) Peace Coalition. He doesn't provide much detail on each group, but it is clear what he dislikes about all of them: their substitution of moral rhetoric for sober political considerations, their imprudent and ineffective use of language and symbols, their vague and empty policy proposals, and their refusal to "act decisively against terrorism." Like so many mainstream journalists, Isaac does not hesitate to associate pacifism with unintentional support for terrorism: "[I]n a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics—as opposed to religion—pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect..."

I'm sure that a number of dogmatic moral absolutists have indeed found their way into

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the pacifist campus left. However, my own experience suggests that Isaac grossly overstates his case. Most people I talked to and marched with seemed to be fully aware that there exists no easy moral solution to the current political situation. I have worked closely, for example, with the Peace & Justice Coalition at Illinois State University (ISU), a small but representative group, probably similar to Isaac's Bloomington Peace Coalition. From the beginning, we attracted a wide variety of individuals, including ex-Marines-turned-pacifists, antisweatshop student activists, aging New Left faculty members, and anti-domestic violence activists. In late October of last year, we organized a peace camp on the ISU quad that featured, among other things, war-refugee style tents inhabited for several days by progressive students; a ten-foot "wheel of peace and justice" listing major violent conflicts all over the world; and a forty-eight-hour fast protesting the violence perpetrated against civilians in New York, Washington, D.C., and Afghanistan. During the fast, students collected money that went to both the September 11 Fund and a fund for Afghan war refugees.

For two long days and nights, we engaged passers-by and hecklers in heated debates on exactly those tough political and ethical issues that Isaac claims are rarely raised by the pacifist campus left. In our closing statement (published in a local progressive weekly), we emphasized that "any search for peace and justice in response to the attacks of September 11 is a difficult, complicated, and less-than-perfect search. There is no 'golden' solution waiting to be found." Moreover, we explicitly acknowledged the impossibility of adhering to unblemished moral standards. In fact, our preferred *practical* strategy—to treat the attacks as crimes against humanity and therefore respond with an international criminal investigation and prosecution within the framework of international law—relied on the employment of *some* violence through the apparatus of international law enforcement. At the same time, however, we consciously evoked the moral and political insights of the Gandhi-King tradition of nonviolence.

Isaac's version of campus left pacifism is a grotesque caricature that works well for rhetorical purposes but hardly corresponds to the "real world" he extols in his essay. To be a "pacifist" means to believe that peace is better than war, social justice better than injustice; it does not lock pacifists into an absolutist position. Even the two grand figures of twentieth-century pacifism—Mohandas Gandhi and Martin Luther King, Jr.—consistently acknowledged the difficulty of reconciling ethical principles with political power. In fact, Gandhi counseled his son to choose violent resistance to evil over indifference and cowardice. He admitted that perfect nonviolence and absolute moral truth remained ultimately unrealizable, but nonetheless emphasized that *ahimsa* (non-harming) and *satya* (truth) constituted central ideals that ought to guide political action.

King, too, noted that nonviolence always contains a "disruptive dimension." In a 1967 speech, the civil rights leader coined the phrase "aggressive" or "militant" nonviolence to refer to forms of direct action designed to interrupt the functioning of unjust institutions and social forces. Moreover, King consciously relied on police and federal troops to enforce laws repealing Jim Crow. As he put it, "I believe in the intelligent use of police force....And I think that is all we have in Little Rock. It's not an army fighting against a nation, or a race....It's just police...seeking to enforce the law of the land." And that's exactly the position taken by many groups on the pacifist campus left: respond to the attacks of September 11 with the intelligent use of police force within the framework of international law. Such alternative strategies consistent with the Gandhi-King tradition are easily distinguishable from the conventional militaristic posture favored by political "realists."

Idealizing "Realist Politics"

Another reason for the systemic distortion and marginalization of the campus left's pacifism is the widespread idealization of so-called "realist politics." Throughout his article, Isaac adopts the questionable metaphysical assumptions that underlie the realist paradigm: "In the best of all imaginable worlds, it might be possible to defeat al-Qaeda without using force and without dealing with corrupt regimes and political forces like the Northern Alliance. But

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in this world it is not possible. And this, alas, is the only world that exists." Note how Isaac claims for himself the same omniscient vantage point that he so dislikes in the campus left. This arrogant spirit of ontological absolutism pervades his essay. Here is another example: "To accomplish anything in the political world, one must attend to the means that are necessary to bring it about." Of course, having defined what counts as the "political world," Isaac employs the term "necessary" to imply war-like activities. In short, the only way to fight terrorism is to declare a large-scale war on it, thus fighting violence with greater violence. Anybody challenging Isaac's conclusions or his underlying realist metaphysics is naïve, unpragmatic, vague, irrational, an accomplice of terrorism, and—this is my favorite charge—out of touch with the "preoccupations and opinions of the vast majority of Americans." Isaac's cheap rhetorical appeal to "common sense," is, indeed, an embarrassing move for an intellectual descendent of the gadfly Socrates who contributes regularly to a progressive magazine titled *Dissent*.

THE IDEALIZATION of realism is very much part of the dominant ideology of violence. Once people accept that large-scale war constitutes the only "realistic" response to September 11, then its many failings are easily shrugged off as "unavoidable by-products" or "collateral damage," while its often meager achievements are blown out of proportion to maintain the public's faith in the effectiveness of violence. A truly "realistic" evaluation of the retaliatory violence employed by the United States and its allies in the war on terrorism reveals the remarkable ineffectiveness of the violent method. What has actually been achieved?

We toppled the Taliban regime, but the fighting in Afghanistan hasn't come to an end. We killed between a thousand and thirty-seven hundred Afghan civilians. The oppressive situation for Afghan women has improved only marginally. The example of a large-scale "war on terrorism" has been copied by various regimes to justify aggressive action against "subversives." Take, for example, conflicts in Israel/Palestine, India/Pakistan, Colombia, Central Asian republics, and so on. Although the war on terrorism costs U.S. taxpayers billions of dollars, our government has steadily expanded it to other parts of the world. The United States has struck questionable alliances with groups and nations that are profoundly undemocratic and have long records of human rights abuses. Civil rights and liberties in our country are being undermined in the name of national security—think of the 2001 Patriot Act. Finally, Osama bin Laden, Ayman al-Zawahiri, Mullah Omar, and other leading Taliban and al-Qaeda members have not been captured. This is by no means a great scorecard for the violent method, but because large-scale war is supposedly the only "realistic" course of action, most Americans tolerate the failures of our military response.

Let me emphasize, finally, that I agree with Isaac's assertion that finding a proper relationship between means and ends is the most difficult challenge for both political thinkers and activists. Contrary to his account, however, I believe that the pacifist campus left has played a constructive role by countering realist mainstream arguments that favor an all-out war on terrorism. This overreliance on military means has only pulled us further into the apocalyptic scenario of terrorist strikes, counterstrikes, and deepening misery. It has also contributed to the rapid buildup of a national security regime that threatens our liberties and democratic arrangements. Isaac's pigeonholing of the pacifist campus left is wrong; on balance, its members have expressed morally nuanced opinions and offered pragmatic alternative strategies. ●

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Jeffrey C. Isaac Responds

I ARGUED IN MY *Dissent* essay that the campus antiwar left is moralistic and politically irresponsible. Steger asserts that my tone is one of "haughty confidence" and claims that I caricature the pacifism of the campus left and idealize "realist politics" in general and the Afghan War in particular, mirroring the views of "right-wing hawks." The texts of the many antiwar groups I cited are as moralistic as I claimed. Instead of defending these texts or the simplistic "left" commentaries regularly circulated on ZNet and elsewhere—a daunting task to be sure—Steger appeals to his own experience at Illinois State University and to the historical examples of Gandhi and King. But his defense of pacifism misses my point, which was to criticize only one "peculiar strain of pacifism, according to which any use of military force by the United States is viewed as aggression or militarism."

Steger's scholarly writings develop a subtle understanding of nonviolent strategies for social change, with which I mostly agree. But post–September 11 antiwar statements typically lacked any such subtlety. Indeed, the Bloomington peace statement I quoted was an almost verbatim copy of a statement put out in 1999 during the Kosovo War. It evinced little serious effort to assess what is going on now, opting instead for anti–imperialist pieties. Steger says that his ISU group defies my characterization. I am sure that his presence elevated its discussions. But these are the words attributed to this group's leader—Steger himself—by the local newspaper: "We stand up to evil. We'll fight it. We struggle, but we will not use violence." This sounds pretty categorical to me; it doesn't suggest strategic subtlety.

I agree that Gandhi and King exemplify the politically responsible deployment of nonviolent strategies. But it is impossible for me to locate the Gandhi or King of the antiwar movement today. I doubt that these two would feel comfortable lining up with this movement. And in any case al-Qaeda is neither the British Empire nor the Citizens' Councils of the 1950s American South. How are Gandhian tactics a plausible way to respond to terrorism? The mere invocation of these tactics doesn't constitute a serious political argument.

Steger also accuses me of idealizing "realist" politics. For him "realism" means arrogance and warmongering. None of the nine pieces I've written since September 11 have idealized violence or war; their point instead is that all politics must pragmatically attend to questions of means and ends, and that such consideration must include the possible use of violence. This may be a view associated with Machiavelli and Morgenthau; it is also associated with Hannah Arendt, Albert Camus, and others whom Steger would have difficulty smearing as "right-wing" warmongers. Nowhere have I argued that violence is the answer to all problems or that it ought to be employed cavalierly. But I have argued that certain kinds of violence can only be opposed by violent means. Steger refers to this as "fighting violence with greater violence." He is right. It is hard to see what is wrong with that. Presumably in order to defeat a violent adversary one has to mobilize enough violence to overpower this adversary. This does not mean "all out war." Steger should know better. He knows that those who have employed "just war" arguments to defend the Afghan War—Michael Walzer, Richard Falk, and myself included—have defended the principles of proportionality and noncombatant immunity and have opposed the global and domestic effects of total mobilization.

STEGER CLAIMS that the war has been destructive and ineffective. I never believed it would be glorious or perfectly successful. But this is the weakest part of his argument. For it seems clear that the al-Qaeda network has been seriously disrupted; the Taliban regime has been destroyed; and the cataclysmic predictions of doom have proved wrong (on this score, see Richard Falk's "Appraising the War Against Afghanistan," Social Science Research Council, http://www.ssrc.org/sept11/essays/falk.htm). The record may not be great. But it is not bad, and there is no reason to believe that the responses Steger defends would have represented an effective response to ter-

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rorism. The notion that summoning up a nonexistent international police force constitutes "pragmatic" politics is incomprehensible to me.

I don't mean to deny the moral, economic, and political costs of the war—nor the dangers of militarism. We have to defend civil liberties, robust debate, and political criticism; we should promote multilateral and cosmopolitan institutions, oppose the idea of a "war against evil," and insist that "terrorist" threats be carefully specified and the responses publicly justified. "War" is not the answer to everything. But it is the answer to some things.

I DON'T FIND Steger's charges compelling. Still, his piece raises some important issues. One regards how we make political judgments: does my decision to support a military response—in Afghanistan, Kosovo, or elsewhere—require me to endorse the official rationales for such a response? I believe it does not, but this warrants further discussion. Another issue has to do with the rhetoric of political criticism. Steger insists that the antiwar movement "has played a constructive role." Yes, the exercise of speech and associational freedom in a democracy always has a constructive dimension, and some of the points made by antiwar critics have been good correctives to the Bush line (most of these points, regarding excessive militarism and the erosion of civil liberties, have also been made by left liberals who support the war). But the antiwar movement has been wrong on the issues and dogmatic in its approach. Is it possible to say this without denouncing the movement and calling for its suppression? Of course it is. To question the political seriousness of a position is not to question its moral integrity or its right to exist. But, here too, more attention to the rhetoric of public debate would be worthwhile (those for whom all "realism" is Kissingerian might also want to attend to this).

There is, finally , what I can only describe as the question of tragedy in politics. How is it possible to support human rights and cosmopolitanism and at the same time argue that certain situations call for military responses in tension with these values? This is an issue that demands the attention of anyone who is serious about political ethics. It doesn't have an easy answer. I am struck by how few of those associated with the antiwar position are interested in it. The difficulties of my own position on the "war on terrorism" are quite apparent to me. I don't believe in simplistic "prowar" or "antiwar" declarations. But I do believe that al-Qaeda terrorism is malevolent and must be effectively opposed. Treading this fine line will be a difficult challenge in the months ahead. ●

JEFFREY C. ISAAC's most recent book is *Democracy in Dark Times*.

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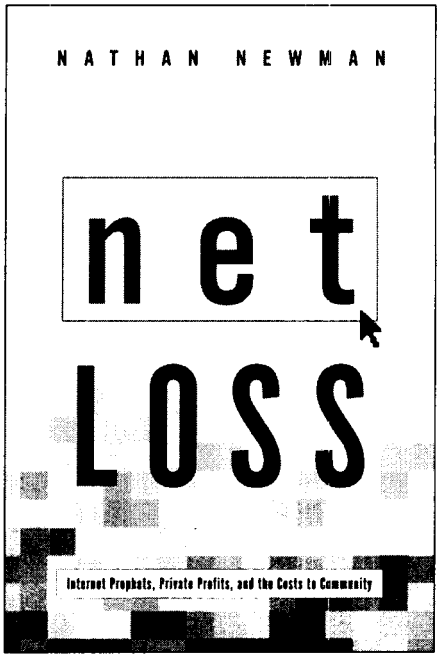

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Wanted: Irving Howe FBI No. 727437B

"An immature outlook on life"

John Rodden

THE FEDERAL Bureau of Investigation file on Irving Howe (né Horenstein) discloses that the Bureau followed his activities closely for more than eight years. It searched his records extensively, interviewed numerous neighbors and colleagues to uncover information about his activities, and pursued him as a national security risk long after he had resigned from the Independent Socialist League (ISL), a tiny, New York-based, Trotskyist sect.[1] The file contains 148 pages—15 of them partially or wholly blacked out. It runs from February 27, 1951, to April 14, 1959, and covers reports from regional FBI bureaus in New York City, Albany, Newark, St. Louis, Miami, Boston, and Detroit.[2]

Most of these reports address Howe's activities in the ISL and his membership in Trotskyist organizations in the 1940s and 1950s. Much of the file also covers Howe's statements in public lectures on the Soviet Union and on the changing nature of Stalinism during the 1950s. A revealing (though perhaps unsurprising) feature of the file—which speaks volumes about the standard data-collection methods of secret intelligence agencies—is that no agent ever seems to have read any of Howe's work in order to ascertain his political positions, except for the joint resignation letter that he and Stanley Plastrik submitted to the ISL in 1952, a copy of which was obtained by an informant.

The highlight of the FBI file on Howe (a name that the Bureau persisted in treating as his "alias" although Howe had legally changed it in 1948)[3] is the hour-long interview that two agents sprung on him in August 1954. When they approached him as he entered his car on a street in Cambridge, Massachusetts, the agents were impressed by his "friendly and cordial manner," though they urged that a security index file be opened on him for long-term surveillance. Although Howe was never again confronted directly, the FBI kept watch on him for five more years. Reports continued to be placed in his file on his lectures to university audiences and to political clubs, and even on his "luggage lost in France" during a trip to Europe in 1958.[4]

Howe's FBI file also furnishes a valuable

[1] The ISL split off from the Socialist Workers Party in 1940, during the period of the Hitler-Stalin pact. Max Shachtman and Leon Trotsky had a parting of the political ways when Trotsky advocated unconditional support of the Soviet Union and Shachtman advocated neutrality. Some members followed Shachtman and joined the ISL, which became known as the Shachtmanites and whose membership in 1943 was approximately five hundred.

[2] Several FBI regional bureaus received copies of Howe's birth records, marriage records, army records from the Veterans Administration in Boston, fingerprinting and other army records, and even photographs from the City College of New York.

[3] One FBI entry begins: "Irving Horenstein was the true name of one Irving Howe." The file repeatedly notes that "Horenstein is his true surname" and refers to the subject's "alias" as "Irving Howe." It observes that "the middle name Arthur is added as shown in the birth records of the subject's children."

[4] The American embassy wrote on November 19,1957, to the director of the FBI that the Paris police had discovered a suitcase containing male and female clothing, and that the owner of the suitcase was Howe. (Howe had lectured at the Salzburg Seminar in Austria that summer.) It is interesting that the American embassy chose to contact the FBI in order to get in touch with Howe.

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biographical background for his repeated castigation of McCarthyism in the 1950s: it shows that Howe himself was being "tailed." Such information both puts in context his radical critique of U.S. policies and undermines part of the *ad hominem* neoconservative attack on his writings during the McCarthy period. Many of Howe's critics have argued that his 1954 essay "This Age of Conformity" reflected his hypersensitivity regarding First Amendment freedoms. These critics imply that Howe harbored excessive and even irrational fears about government infringement on American civil liberties and about encroachments on personal privacy. His biographer, Edward Alexander, refers to Howe's "compulsive . . . indictment of liberals who fail to take seriously the threat to civil liberties." But the FBI file makes clear that the so-called compulsiveness was an appropriate vigilance in his own case.[5]

Indeed, Howe's FBI file proves that the concerns he voiced in *Dissent* about the sorry state of American civic life were well founded.[6] His wife was subject to investigation during her years as a teacher at Miss Fine's Day School in Princeton. His lectures and seminars were attended by Bureau agents or by informants to the FBI, his mail was checked repeatedly, and his personal information (physical characteristics, children, residence, phone numbers, car model) was monitored.[7]

Despite this extensive and intrusive surveillance of his private life, Howe never engaged in McCarthy-baiting. He did not equate McCarthyism with the Soviet Gulag. In *A Margin of Hope*, Howe grants that the McCarthy years were no "reign of terror." "In a reign of terror," he writes, "people turn silent, fear a knock on the door at 4 in the morning, flee in all directions; but they do not, because they cannot, talk endlessly in public about the outrage of terror." He adds: "When we printed violent denunciations of McCarthy in *Dissent* during these years nothing happened to us . . . we had no sense we were taking any great risks in attacking McCarthy."[8]

Howe's treatment by the Bureau may not be a case study in political repression, but Americans today must remain vigilant about political stupidities like this one. The FBI's pursuit of Howe was intolerable and unnecessary; it demonstrated a skewed understanding of the balance among national security, social order, and personal liberty. And such wasteful, pointless surveillance is still what anyone who "dissents" can expect—today, as yesterday.

THE BUREAU maintained an active file on Howe during 1951–1959, including a security index on him in the Boston division. Howe's ethnic background may have been a factor—the Bureau pointedly noted that "his father, David [Horenstein], was born in Russia and was naturalized as a U.S. citizen in 1922, according to the records furnished by CCNY." The Russian birth might have indicated to the FBI a possible sympathy with communism.[9] But the specific occasion for the FBI file on Howe was the passage of the Smith Act in 1948, which justified scrutiny for national security reasons of all members of "basic revolutionary groups" committed to "the violent overthrow" of the U.S. government.[10] In a letter to the Loyalty Review Board (September

[5] See Edward Alexander, *Irving Howe: Socialist, Critic, Jew*, Chapter Five, "The Fifties: Age of Conformity, Age of Dissent."

[6] Howe's statement of purpose for *Dissent* in its opening issue (January 1954) was titled "Does it Hurt When You Laugh?" Its stress was on the condition of civil liberties in America.

[7] Indeed, Howe's marriage records, his birth certificate, his military records were all recorded. One report states: "Information was circulated among the Albany bureau for the marriage records of the state of New York, June 15, 1941 and April 12, 1947. The Newark bureau [was contacted] for marriage records and for activities in Princeton, including divorce records, and the New York and Boston bureaus [were also involved]."

[8] Irving Howe, *A Margin of Hope* (New York, 1982), p. 223. Quoted in Alexander, p. 90.

[9] A 1955 file notes: "New York office reports on May 11, 1955, [based] on records of the Bureau of Vital Statistics from the Bronx: Irving Howe's marriage at the age of 20, his parents both listed as having been born in Russia."

[10] Formally known as the Alien Registration Act, the Smith Act made it illegal to conspire against the government. The Smith Act accused members of "revolutionary organizations" of conspiring to teach or advocate the overthrow of the government by force or violence. Adopted in 1940, it was first used against American leftists in 1949, when eleven top leaders of the Communist Party's national organization, including Party chairman Gus Hall, were indicted in New York for "un-American" activities.

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29, 1949)—which appears in Howe's file—Attorney General J. Howard McGrath described the ISL as a "basic revolutionary group," the successor to the revolutionary Worker's Party. Howe had belonged to the Worker's Party since 1940 (he was a member of the outgoing national steering committee of the party in 1946), and he had also served as editor of the weekly newspaper *Labor Action*, the official organ of both the Worker's Party and the ISL. (*Labor Action* was also specifically cited in McGrath's letter.)

Despite several background checks on Howe's agitprop activities in the 1940s, the FBI remained unaware that, not long after entering the army, Howe resurfaced in both *Labor Action* and *New International* under the pseudonym "R. Fahan," writing antiwar polemics. Most American Trotskyists, including the Schachtmanites—especially after Trotsky's assassination in 1940—took a strong antiwar position. They condemned the Second World War as a battle among capitalist-imperialist powers, by which they meant to include the "state capitalism" of the Stalinist USSR. His last wartime article appeared in October 1943. He did not return to the pages of *Labor Action* until February 11, 1946, usually thereafter writing as Irving Howe.[11] (Nor did the FBI apparently know that Howe wrote under the name "Theodore Dryden" in 1947–1948 for Dwight Macdonald's radical magazine, *politics*. Nor, indeed, that "subject Horenstein" was not "the father of two boys."[12])

Typical of the FBI's misleading emphasis in its intelligence-gathering on Howe is its close coverage of the circumstances of his departure from the ISL in October 1952. Although the FBI file contains two copies of Howe's three-page resignation letter, Bureau informants in 1954 seem uninformed about the founding of *Dissent* in January 1954—or indeed how total the rupture was between Howe and the ISL. No mention is made in Howe's file of the ISL motion prohibiting its members from contributing articles to *Dissent* unless they received special dispensation. Howe was treated by the FBI as if he were still a member of a "basic revolutionary organization" throughout the 1950s.

Nor was this the Bureau's only important oversight about Howe's political activities at this time. Apparently the Bureau missed Howe's published exchange with the ISL two years later—his last contribution to *Labor Action*. In a scathing attack on the inaugural issue of *Dissent*, Hal Draper wrote in *Labor Action* (February 22, 1954) that Howe's break with the ISL and his founding of *Dissent* signify that "those who sympathize with his 'ethos' must likewise abandon any *organized* socialist movement, which is to be replaced by such a center for thinkers as his magazine seeks to make itself." Howe replied to Draper in the March 15 issue of *Labor Action*: "I know this way of thinking, having suffered from it myself for a good many years." Howe maintained that Draper and the ISL were living in grandiose denial about the reality of a socialist "movement," as well as about their influence beyond the suffocating "we" of their sectarian circle. Although some individuals in America could still be called "socialists," Howe said, "We have no political significance, whatsoever."[13] Nonetheless, the Bureau worried in the early 1950s that socialists such as Howe might build a movement or gain political significance.

HOWE'S UNIVERSITY activities in the 1950s—at Princeton, Brandeis, and the University of Michigan—were also monitored periodically by regional FBI offices. When the FBI began its file on him in February 1951, Howe was living in Princeton, resid-

[11] Alexander, p. 19.

[12] See the Boston FBI report of September 15, 1954 for the latter error. Another report notes: "Birth records were also searched in New York for the subject's two male children [sic]. The New York bureau checked under the name Horenstein for the boys' names." An Albany bureau report (31 March 1955) noted that "a check of birth records, from 1941 to date, under the name Horenstein reflected only one male born during that period with this name. A check of this record reflected that this was not one of the subject's children." (Howe's children are Nicholas and Nina.)

[13] The Draper-Howe exchange is discussed in Alexander, pp. 95–96. Howe was already at odds with the ISL because of its failure to support the Marshall Plan and to align itself with the Democratic West against Stalinism. In 1951, Howe and Plastrik tried to persuade the ISL, which sponsored *Labor Action*, to sponsor also a quarterly journal that would be similar in style and substance to the defunct *politics*. The ISL refused.

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ing in a small house financed by a GI loan. His second wife, Thalia (Phillies), taught Greek and Latin at Miss Fine's, a private day school in Princeton.[14] A colleague of hers who described herself as "casually acquainted with Irving Howe" provided Newark agents of the Bureau with some information in October 1953 about Howe's status as a full-time independent writer.

Another informant was Carlos Baker, the distinguished Hemingway scholar, who taught at Princeton University. Baker was in the university audience when Howe lectured on the theme of "Politics and the Novel" at the Christian Gauss seminar in the fall of 1952.[15] Baker was forty-three years old and had just published *Hemingway: The Writer as Artist*. A specialist in British and American literature who had been teaching since 1937 at Princeton, Baker was a rising academic star, soon to be appointed department chairman. Baker was also well acquainted with the social milieu of the *Partisan Review* intellectuals—a world Howe had just entered.

Baker reportedly told the FBI that he knew "so little about the subject [that] he was in no position to provide any recommendations." The agent adds: "But he did notice the subject has a very bright mind, a nervous disposition, and an immature outlook on life."[16]

Although Baker evidently told FBI agents nothing of importance, their conversation with him indicates, at minimum, that he was willing to provide the Bureau with negative impressions of a young man whose background would certainly have been officially suspect. It also shows that the FBI gained access to prominent scholars familiar with Howe's intellectual life and reference groups. (Baker's name evidently appears in Howe's file because he died in 1987; the names of other informants or agents are blacked out.)

In fall 1953, Howe joined the faculty at Brandeis University in Waltham, Massachusetts. (He would remain at Brandeis throughout the period of his FBI file; he left for Stanford in 1961.) Within a few weeks, the Boston FBI office was following his activities. One report from spring 1954 reported on surveillance of his home in nearby Wellesley: "From January 16 to February 13, 1954, a mail cover was maintained on the residence of the subject at 87 Parker Road. The following are individuals or organizations with whom the subject received correspondence during this period: *Dissent*, *Perspectives*, [Stanley] Plastrik, *Partisan Review*."

On June 2, Boston agents wrote: "Asked New York office to identify and check the references of some 15 correspondents of the subject. Because considerable agent time would be necessary to cover these leads, the New York office will not cover the leads as set out."

Surveillance of Howe intensified in 1954, perhaps because Brandeis was known as a home for numerous intellectual radicals and Marxists (and ex-Marxists). Doubtless, word was also spreading of Howe's growing stature and controversial positions as a New York intellectual. (Brandeis president Abram Sachar apparently regarded Howe's appointment in 1953—at least in hindsight—as "a major coup.")[17] Moreover, Howe was soon to become a well-known campus presence at Brandeis because of his frequent participation in public debates, including faceoffs with such figures as Herbert Marcuse, the Stalinist novelist Howard Fast, and Oscar Handlin (who debated Howe on Israel's capture and planned trial of Adolf Eichmann).

It was the Boston FBI that tracked "subject Horenstein" for an interview in August 1954, near the Harvard Campus.[18] The report of the FBI interview opens as follows:

> The Boston office interviewed subject Horenstein without prior notice at 2:00 p.m., August 6, 1954 by two Special Agents, on Boylston Street, Cambridge, Massachusetts.

[14] Alexander, p. 74.

[15] The Newark Bureau report is dated September 22, 1952.

[16] See Newark report for February 2, 1954.

[17] See Alexander, Chapter Five. The comment is quoted from Sachar's memoirs.

[18] Several FBI memos repeated the caution voiced by one Bureau official: "This investigation must be conducted in accordance with the provisions set forth in the manual of instructions relating to security-type investigations at institutions of learning." Another Boston memo added: "Interview with Irving Horenstein ok'd, so long as it must be conducted in a particularly circumspect manner, so that no embarrassment to the Bureau will result."

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> Subject was affable. He stated he would be happy to sit in his own car and discuss ideologies. He continued that this was as far as he would go with the interviewing agents and that he had no intention of identifying or "involving" others in view of what he described as the "misuse" of the Smith Act by the Department of Justice and the use of Executive Order 10450 to "blackball radicals and prevent them from earning a livelihood." It is to be noted that at no time during the course of the interview was the subject hostile, and throughout the interview he displayed a friendly and cordial manner.[19]

The Boston agents continue:

> Subject described himself as a "Socialist" and a lifelong "anti-Stalinist." Subject denied membership at any time in the Socialist Workers' Party or any other group or organization which advocates the overthrow of the United States government by force or violence.[20]

The report concluded:

> In view of the subject's past activities and attitude at the time of interview and his denial of membership in the Socialist Workers' Party, it is believed that he should be included in the security index.

The report is dated August 26, 1954, and the security index card was prepared that day.

This interview forms the centerpiece of the comprehensive file on Howe compiled by the Boston office on April 8, 1955. That file comprises twenty-six pages, including birth records, educational background, marital status, military service record, employment record, residences, political activities, speeches and writings, and even speeding tickets in Princeton and nearby Cranbury, New Jersey ("ten dollars paid on February 8, 1953, seven dollars paid on 3/23/53.") The April 1955 file also includes Howe's resignation letter to the ISL, a log of his contributions to the *New International* between 1946 and 1952, and a summary of three of his fall 1949 public lectures, which reflected the themes of his book *The U.A.W. and Walter Reuther* and coincided with its publication.[21]

Howe taught at the University of Michigan at Ann Arbor during part of his one-year leave of absence from Brandeis in 1958–1959. The Detroit FBI checked up on him in Ann Arbor and also noted that he was "employed at Wayne State University in the English department on a part-time basis."[22]

Detroit agents attended at least three of Howe's *Dissent* talks during 1956–1958. (Much of Howe's energy in the late 1950s went into organizing *Dissent* forums around the country on various political topics, an effort that did not go unnoticed by the FBI.[23]) One informant at a Detroit talk reported that the "principal subject of Howe's talk was how sorry he was to have ever considered himself as a 'socialist' and that if he had to do it over again, he would not associate himself with such a movement because he felt that it would never amount to much more than just a movement. Howe further stated that, in spite of its ideals and some of the fanatics [who] are members

[19] Critics of the Smith Act argued that it was an attack on the First Amendment right to free speech, but in June 1951 the act was upheld 6-2 by the Supreme Court. In a dissenting opinion, Justice Hugo Black wrote: "These petitioners were not charged with an attempt to overthrow the government. . . . They were not even charged with saying or writing anything designed to overthrow the government. The charge was that they agreed to assemble and to talk and publish certain ideas at a later date."

But Black's dissenting opinion did little to slow the federal government's dragnet. Federal prosecutors used it to put on trial native-born political radicals suspected of seeking to subvert American institutions and professions.

[20] Today, most historians agree that the Smith Act had little to do with a legitimate fear that "revolutionary organizations" were going to overthrow the United States. The purpose was to curtail opposition to the cold war, whether that opposition came from organized labor, the civil rights movement, or the peace movement. The main victims were left-wing trade unionists.

[21] The three lectures were delivered to the University of Chicago Politics Club (October 14, 1949, on "The Need For a Worker's Party"), to the Socialist Youth League (August 13, 1949, on "Bureaucracy in Trade Unions"), and to the ISL (September 23, 1949, on "Bureaucracy and Democracy in the Labor Movement"). The Politics Club at the University of Chicago was a Trotskyist group and had been reactivated by the Chicago Young Socialist League in the fall of 1957.

[22] This information is in the March 31, 1959, dossier compiled by the Boston office, which also included the editorial statement of purpose from the opening issue of *Dissent*.

[23] *Dissent* launched its first forum in November 1954 in New York City. By 1958, a half-dozen *Dissent* groups in various cities (among them New York, Boston, San Francisco and Los Angeles) were meeting regularly to discuss public issues. On the *Dissent* forums, see Lou Anne Bulik, *Mass Culture Criticism and Dissent* (New York, 1993), p. 74.

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of various socialists' organizations, there is no real socialist movement. Howe, during his talk, referred to *Dissent* magazine and its program and stated that the magazine staff had considered dropping the word 'social' or 'socialist' from its program, but had finally decided not to make any change."

This informant was doubtless confusing "socialist" and "Trotskyist," misunderstanding that Howe was referring to his years of membership in the ISL. Even if internal discussions on the *Dissent* editorial board considered abandoning a formal commitment to "socialism," Howe proudly and publicly referred to himself as a "socialist" throughout the 1950s—and well after.

SEVERAL REGIONAL bureaus intermittently followed Howe's activities during the late 1950s, as we have seen. But he was no longer considered a security risk after mid-1955, and little new information appears in his file.

On May 19, 1955, the Boston office decided to cancel the security index. However, it sought to justify its expenditure of resources, noting yet again that "the subject registered with the Worker's Party in June/July, 1946 at which time he indicated he had been a member of the Worker's Party since 1940." The four-page report closes: "While the subject has been a member of a basic revolutionary group within the past five years, it is noted that on October 12, 1952, subject directed a letter to the ISL in which he stated he was formally resigning from the ISL, further it is noted that subject has stated that in the event of hostilities with the Soviet Union, the ISL should support the United States. It is, therefore, recommended that he be removed from the Security Index. The security flash note is also to be removed." This report was filed on June 10, 1955.

Nonetheless, the Boston office still conducted occasional spot checks of Howe. For instance, his file reports a "pretext telephone call to Brandeis University on 10/30/58, in the guise of an associate attempting to locate subject."[24] As we have observed, Boston agents also tipped off other regional bureaus about Howe's whereabouts and coordinated surveillance with them. The Detroit file for March 31,1959, notes that, on October 18, 1958, Howe "directed a postcard to *Labor Action*," requesting a change of address for his subscription. Indeed, the March Detroit file is a twenty-two-page report, including a nine-page appendix on Howe's memberships in various socialist organizations.

Like the Detroit FBI, the Boston agents were apparently concerned that *Dissent*'s public forums might lead to a socialist mass movement.[25] (A 1959 forum that featured Erich Fromm, a *Dissent* editorial board member, drew seven hundred people.)[26] For instance, the Boston office reported on "Irving Horenstein" at a *Dissent* forum on "The Revolt in East Europe" (December 1, 1956) at Adelphi Hall in New York and a forum in Boston (January 30, 1957) that a lieutenant of the Massachusetts State Police attended. According to the report of the New York talk, which dealt with the Soviet invasion of Hungary in October 1956, Howe "definitely was anti-Communist in his analysis and repeatedly criticized the ruthless attacks by the Russian troops."[27]

In another *Dissent* forum covered by the Boston office (report filed on April 4, 1958), Howe reportedly "evidenced considerable dejection over the low level of activity that now characterized U.S. socialism." The file continues:

> Howe claims that socialism could meet all the problems that besetted [sic] in our country if trends were to continue unchanged. As he saw them, there would probably result in our country a low-charged autocracy, somewhere between freedom and totalitarianism. Howe stated that in central planning even of the socialist variety, there was a danger that the concentration of powerful planning purposes would destroy freedom and to be successful and accepted, U.S. socialism must be democratic and welcome some degree of small in-

[24] Another FBI memo hilariously refers to "Suitable, telephonic pretext, Brandeis University," a good example of the jargon that the FBI used to make a phone call check.

[25] These concerns were surely heightened by the unrest in Eastern Europe after the failed Hungarian revolution in October 1956.

[26] See Bulik, p. 74.

[27] Howe's lecture, "A Crisis in the Communist World" (on November 16, 1957 at the YWCA in Detroit), was also monitored.

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dependent business. Howe concluded with a plea for studied regroupment of socialist elements.

By this time, the FBI had in effect acknowledged that Howe was no "security risk." But the reduced scope permitted to the FBI by judicial decisions following the discrediting of Senator Joseph McCarthy's witch hunts also limited its pursuit of young ex-Trotskyists like Howe. Indeed, an important reason for the Bureau's dwindling interest in Howe, along with many other former "revolutionaries," was that the U.S. Supreme Court had recently defined the Smith Act more narrowly. In 1956, the Supreme Court had ruled on a California case, saying that in order to convict, "clear and present danger" must be shown. In 1957, the Supreme Court sharply curbed the application of the Smith Act, allowing it to pertain only to people who engaged in specific insurrectionist activities or incited others to do so.

These developments rendered a third-rank former "revolutionary" from a negligible sect of little interest. On April 14, 1959, the Detroit office closed Howe's file, and other regional offices did likewise. At this time, Howe was lecturing at Wayne State University. His file was first declassified in August 1985, with additional material declassified in September 1997. ●

JOHN RODDEN has edited *Lionel Trilling and the Critics* and *The Worlds of Irving Howe* (forthcoming from Nebraska University Press).

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MASSACRE and the POLITICS OF INTERVENTION

Nicolaus Mills and **Kira Brunner**, editors

A prize-winning group of war reporters and analysts look back on the killing fields of the late twentieth century and pose provocative questions for the future of human rights.

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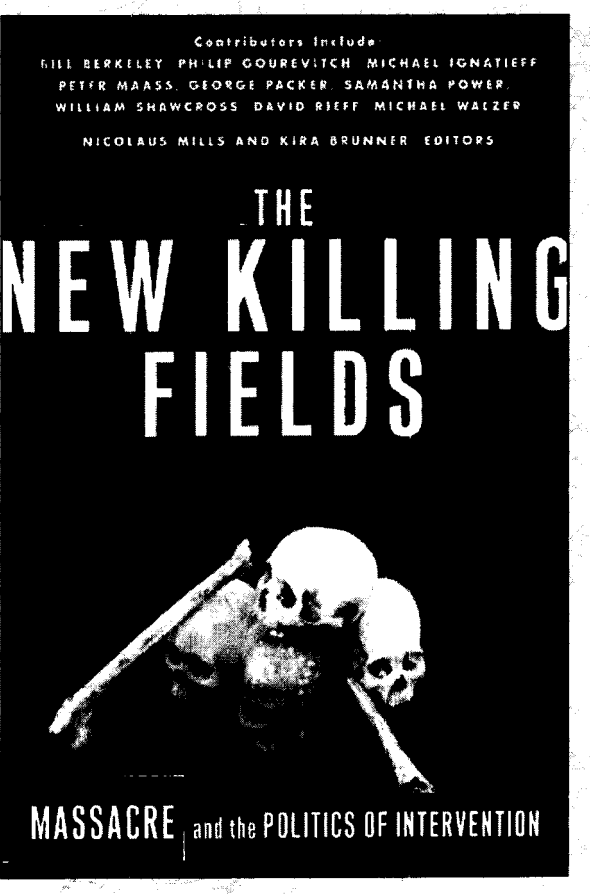
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The Lonely Crowd

Kim Phillips-Fein

When David Riesman died this past May at the age of ninety-two, it was something of a surprise to learn that he had still been alive. For an earlier generation of sociologists, such obscurity would have seemed inconceivable. *The Lonely Crowd*, the book for which Riesman is best known, has sold more copies in the United States (1.4 million since its publication in 1950) than any other book by a sociologist. In the 1950s, his sociology provided a moody contrast to the cold war's flag-waving, arguing that the return of material prosperity led not to social peace but inner desolation. For Riesman, the country's confident and patriotic unity after the Second World War only hid—indeed, in some ways it reflected—a sad attempt to stave off cultural despair. Riesman's critical take on American culture fundamentally shaped the thinking of the postwar generation. It helped to inspire the New Left's quest for "participatory democracy." It gave flower children and hippies the courage to live differently. Christopher Lasch's *The Culture of Narcissism* echoed Riesman's themes, with a touch more Freud. Even today, when *The Lonely Crowd* is more cited than read, a period piece rather than a contemporary text, Michael Lerner's pleas for the "politics of meaning" are Riesman Lite.

Despite Riesman's bitter skepticism, *The Lonely Crowd* is a book whose arguments and approach seem to come back into vogue in conservative times. By arguing that the cultural perils of prosperity—more than union-busting, McCarthyism, or racial segregation—were the greatest threats to American democracy, Riesman helped shift political debate away from the open conflicts of the New Deal era, creating the myth of the quiet 1950s. Politics, for Riesman, was essentially therapy for the country's flawed culture. It was an existential necessity, a way of bringing meaning and connection to an alienated people, more than it was a means to achieve a just society. It is this dark view of American culture almost irredeemably flawed, and the accompanying view of politics as remedy, that accounts for the lasting appeal and influence of *The Lonely Crowd* in times when political transformation seems impossible. The cultural approach to politics has an enduring attraction for thinkers in moments of flight from radicalism, for it offers a way to criticize American society without addressing the deep problems of economic and political inequality that might require a struggle or a fight.

David Riesman's early life was characterized by indirection. His parents were professionals, German-Jewish in origin, with a blueblood streak. His father was a physician, his mother a former graduate student who relinquished academe for art. Their Philadelphia household was a study in erudition. As a child, Riesman lived under the shadow of his parents' learned brilliance. He described his mother in a memoir as "nostalgic," dissatisfied with the shallowness of American culture. She was disappointed in her scholarly son, who she felt lacked artistic and creative capacities—the only ones, for her, that truly mattered. Late in his life, Riesman wrote that he had been paralyzed by his stifling awe of his parents until undergoing psychoanalysis with Erich Fromm (although this, too, he undertook at his mother's urging—she was being analyzed by Karen Horney and wanted to share the experience).

Perhaps because of his parents' high expectations, Riesman graduated from college (where he studied science) uncertain of what

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to do. He floundered into law school and subsequently clerked for Louis Brandeis. Riesman loved the legal realists and was a passionate liberal as a young New Dealer, but he never became active in the radical politics of the era. In the early 1940s, before getting his first teaching job as a law professor at the University of Buffalo, he worked at the office of the Manhattan attorney general, where he wrote briefs for the anticommunist Rapp-Coudert Committee, hunting down reds in the city's schools. When the University of Chicago hired him after the war, he abandoned law for sociology, giving up political analysis for the silent trends of demography and the market.

In 1950, he published *The Lonely Crowd*. It was a smash hit, and Riesman immediately soared to academic stardom. For the rest of his life, he preached a pragmatic liberalism, played tennis, raised children, and simultaneously opposed the war in Vietnam and the movement to stop it. He taught at Harvard, published books and copious short articles and essays, and wrote many letters, but *The Lonely Crowd* remained the pinnacle of his intellectual work.

Although Riesman's worldview remained fairly consistent after 1950, his approach to politics underwent a dramatic transformation in the years before he wrote *The Lonely Crowd*. His early work, although not explicitly leftist, was more self-consciously political than his later writings on culture and psychology. In his 1942 essay "Civil Liberties in a Period of Transition," Riesman argued that eighteenth-century doctrines of civil liberties no longer made sense in the modern era. The philosophy of natural rights had justified the political action of a rising middle class, struggling to unseat an aristocracy with a death grip on the state. Natural law, far from being a neutral statement of universal rights, had been used to enable members of this nascent bourgeoisie to exercise political power. The idea that the state was the primary threat to political freedom reflected the historical fact that in the eighteenth century civil society had to be carved out against the backdrop of absolute monarchy.

But during the New Deal, conservatives invoked the Bill of Rights to stifle the use of the very liberties it had originally served to protect. "Freedom of speech" justified Henry Ford's berating his workers to vote No Union. The "right of association" allowed southern whites to keep blacks from voting in all-white Democratic Party primaries. In modern America, private and corporate power, far more than the tyrannous reach of the state, was the major threat to political liberty. If that freedom was to survive, governments needed to foster political association, to fight the tendency to retreat into a narrow private sphere. They needed to encourage self-organization, by passing laws like the Wagner Act, which Riesman called "one of the essential pillars for civil liberty in our time." They should create public meeting spaces, where citizens could come together to fight oppression and inequality. This "government education for democracy" would, Riesman thought, create a vibrant, lively political culture: "Only a frontal attack on the inequalities and insecurities of our society will create the social soil in which civil liberties, either old or new, can flourish."

Less than a decade later, though, Riesman was far more pessimistic about the ability of the state to promote political engagement. In *The Lonely Crowd*, he argued that the deepest problem in American life was not poverty, inequality, or political repression. It was a quiet nihilism and depressed apathy. Neither traditional liberalism nor Marxism was meaningful for Americans, who found themselves "ill at ease in Zion," adrift in the plastic glory of the postwar boom. The Old Left might have had an analysis appropriate to a time of economic crisis but it could not provide the language to formulate the amorphous misery of the mass. "What kind of life, indeed, is appropriate to a society whose lower classes are being devoured faster by prosperity than Puerto Rican immigration can replenish?" A crisis far greater than the Great Depression or even the cold war loomed large. "What we fear...is more than total destruction," Riesman wrote. "It is total meaninglessness."

To explain this internal evisceration, Riesman turned from politics and economics to psychology and sociology. Modern society simply did not support "character types" capable of independent action. As social beings,

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Riesman argued, people were driven by an intense desire to fit into the institutions they lived within. Each society had its own way of guaranteeing that people behaved according to a specific set of norms. In "traditional" societies, social roles contained a clear set of rules, leaving individuals little freedom of action. In the bourgeois nineteenth century—the age of the superego—people learned, as children, a strict set of moral rules. Parents rigorously trained their children to internalize a clear ethical code. Such "inner-directed people" were not exactly independent, but they were stubbornly and single-mindedly fixed on attaining the goals they had been taught to work toward when young.

In the twentieth century, though, the inner compass of morality seemed to have swung off kilter. The rise of urban society, the corporation, and mass culture meant that life was lived under the influence of large-scale institutions, without clear authority figures. People lived in a state of eternal expectation and receptivity, waiting to receive signals from their peers about what to do. Cultural mores were enforced through people's sensitivity to the wants and demands of those around them. There were no obvious leaders; everyone was constantly looking at everyone else. People needed to be instantly able to adapt to their surroundings: open, flexible, never committed to any set of fixed principles. But this readiness was destabilizing and frightening, constantly threatening a complete loss of identity. Riesman believed that modern Americans were prisoners without bars, frantically glancing from side to side. Like Betty Friedan's suburban housewife, they were dominated by an "objectless craving," an unfulfilled longing. Their core instability made it impossible for them to take independent action, for fear of collapsing under the internal weight of unanswerable questions about what the neighbors might think.

The Lonely Crowd is often viewed as a sepia-tinted book, a paean to lost individualism. But (as intellectual historian Rob Gernter has recently written) Riesman rejected the idea that the nineteenth-century world of lonely striving was a happier or freer one. The "inner-directed person," he wrote, was driven by a "chronic panic fear" of relaxed intimacy, never able to be happy, haunted by failure, prone to neurosis. On an unconscious level, life for him was "not a renewal but an effortful staving off of psychic death." Still, even though he rejected nostalgia, Riesman's description of the present was airless and bleak. Detached individuals floated through their lives, preferring "social security to achievements, love to glory." Sensing their own powerlessness, they nonetheless could not accept responsibility for it. Instead, they lashed out, blaming phantoms:

> Somebody else must have what they have not got; their powerlessness must be matched by power somewhere else. Some big chiefs must be doing this to them. They do not see that, to a great extent, it is they themselves who are doing it, through their own character.

Riesman claimed to see political engagement as at least a partial cure for alienation. But at the same time, he treated the effort to think politically instead of psychologically as a way of evading one's own complicity, a refusal to face one's own sick longing for weakness.

ALTHOUGH *The Lonely Crowd* was written only a few years after the political movements and stunning transformations of the 1930s—the strikes and demonstrations, the birth of industrial unionism, the hothouse government agencies—the book reflected the sad withdrawal of the McCarthy years from a sense of the possibilities of political action. Instead of seeing society as a space of struggle, of flux and motion, Riesman and other social critics of the 1950s (like Louis Hartz, Richard Hofstadter, and C. Wright Mills) believed it to be the product of nearly inhuman processes. For Riesman, these were deep shifts in psychic structure; for Mills, the rise of Weberian bureaucracies. This view of subterranean social change was, for Riesman (and some of the others as well), a sharp political shift. In Riesman's case (and for some of the others as well), this view of subterranean social change represented a sharp political shift. In his early legal writings, Riesman had argued that politics was a space of freedom and conflict: corporations sought to quell political activity, but governments could take action to encourage it.

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In his later sociology, though, culture constrained politics. There was no way to consciously change "social character" on a mass scale, to smooth out the deep flaws of cultural personality, and to reinvigorate public life. Like many liberals in the pressure of the cold war, Riesman reflected the ideological politics of the Old Left, but instead imagined a world virtually devoid of political actors.

RIESMAN'S underlying suspicion that activism was a futile and misguided form of therapy became more evident in the 1960s. For when young radicals took his ideas seriously, Riesman was shocked. College students, awakened by the civil rights movement and—in later years—disgusted by Vietnam's bloody maelstrom, organized the Free Speech Movement and Students for a Democratic Society. But instead of being pleased, Riesman was distressed. In the 1969 edition of *The Lonely Crowd*, he wrote that, unwittingly, he had contributed to the "snobbish deprecation of business careers" and to the spirit of "nihilism" among youths with the temerity to pretend to "moral or intellectual nonconformity." In contrast to the New Leftists, he did not think there was a powerful elite in American life, but that even people who seemed powerful were impotent: "The so-called leaders are only the more perplexed and overwhelmed, but scarcely less helpless, prisoners." He wanted political engagement, but when confronted with people who actually were politically engaged, he never felt that they lived up to his standards. For Riesman, the central problem in people's lives was that old forms of authority had collapsed, making it impossible for them to understand who they were. Any further challenge to authority only threatened the fragile communities that might still exist. For politics to be safe, it had to be the province of the "autonomous few," the "saving remnant."

Today, the labor movement and the anti-globalization movement seek to reclaim the economy as a site of political struggle, reversing the intellectual movement of the cold war years and bringing politics back into the workplace and the market. People get involved in these conflicts for reasons that go far beyond higher wages and health insurance, though surely these matter in their own right. Leftist political engagement provides a way of relating to other people as equals and citizens, instead of as marketplace competitors and rivals. Political activism forces one to speak about and act on one's beliefs, instead of keeping them unarticulated and private. It allows a group of people to make the world their common work. But this does not happen easily or without a cost. If political activists are to engage with things that matter, which is the only way that they can give their lives the seriousness that Riesman sought, they must do what seemed to frighten Riesman most of all: seek out a real confrontation with the sources of power and authority in their lives.

As a young man, Riesman saw that democratic politics revolved around hard questions of material and political resources. In abandoning his focus on the corrosive impact of corporate power on democracy, he seemed to forget that freedom and economic security are not opposed to one another. As he wrote when still pulsing with the hopes of depression-era politics, it is political action that creates a democratic culture. Or, put differently, it is the collective fight for equality and security—for justice—that transforms the drifting crowd into a political community once again. ●

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Global Economics Classes

Jeff Faux

THE POLITICS OF FREEING MARKETS IN LATIN AMERICA: CHILE, ARGENTINA, AND MEXICO
by Judith A. Teichman
University of North Carolina Press, 2001 288 pp
$55 cloth $19.95 paper

MANAGING MEXICO
by Sarah Babb
Princeton University Press, 2001 320 pp $35

AT THE END of a debate over congressional ratification of the North American Free Trade Agreement in 1994, a lobbyist for a multinational corporation, exasperated by my opposition to NAFTA, shouted at me: "Don't you understand? We have to help Salinas [Carlos Salinas, then president of Mexico]. He's been to Harvard. He's one of us!"

It struck me as an odd remark. She and I were clearly not on the same political team. A year's fellowship at the Kennedy Institute of Politics hardly made me a Harvard man, and she hadn't gone to Harvard at all. It took me a little while to understand her point, which was that all of us were members of an increasingly global "policy class."

The Politics of Freeing Markets in Latin America and *Managing Mexico* are about the role of the policy class in bringing neoliberal economics to Mexico, Argentina, and Chile. They raise the intriguing possibility that had it not been for a conscious, business-financed political strategy to change the ruling economic paradigm, the history of the last twenty years in these three countries—and perhaps elsewhere—might have been different. Both books also bring important information and insights into the evolving cross-border class politics that lies under the radar screen of the debate over globalization.

Because all markets run on an accepted set of rules, all markets generate a politics over the setting and enforcement of those rules. Indeed, politics has been famously defined as "who gets what." The global marketplace is no different. Yet, although it is widely understood that the major actors in the global drama are companies, banks, and workers busy obliterating national boundaries, the analysis of the international political economy—both popular and academic—is largely focused on the relationships among nation-states.

This framework simply cannot capture the cross-border realities of the global market. To give one concrete example, asking whether Canada, Mexico, or the United States "won" or "lost" from NAFTA cannot give you a useful answer, because the benefits were captured and the costs were borne by similar groups throughout the continent. Investors in all three countries largely gained, and workers in all three countries largely lost. Even if you do not agree with that particular assessment, it is hard to argue that the determination of winners and losers from the creation of a continental economy does not have to be examined through a continental, as well as a national, lens.

Building an intellectually coherent framework of cross-border class relationships is a big job, and neither of these books attempts it. Indeed, their focus is the rise of technocratic elites within each country that they study. For this reader's taste, both books—especially Babb's—are too constrained by the language and research techniques of their disciplines. Teichman is a political scientist, Babb is a sociologist. Nevertheless both books are quite accessible to the nonspecialist, and the implicit drama of their stories drives the reader forward.

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Not the least of their contributions is that they are a corrective to a common globalization narrative on the left, which explains global poverty and inequality as simply something imposed on third world societies from the outside. As the late Michael Harrington once reminded me, there are rich people in poor countries.

Teichman's book explores the most territory—Argentina and Chile as well as Mexico. And her analysis is the more broadbrushed—illuminating political, social, and cultural trends that support her analysis. Babb is focused almost exclusively on the development of economics as a profession in Mexico and the way in which economists were the agents of change that favored the investor class.

Teichman analyzes the many differences in the chronicle of neoliberalism among the three countries. But it is the similarities that stand out—in particular the business cultivation and nurturing of conservative economic ideas among a young generation of economists and bureaucrats by the business community in the decades leading to the debt crisis of the early 1980s. With a big assist from U.S. universities and conservative think tanks, these networks worked through a critique of the developmentalist and Keynesian visions of the early postwar economists—such as Raul Prebish, Albert Hirschman, and Gunnar Myrdal—that dominated the theory and practice of economic development. In their place—as Babb shows in an analysis of doctoral theses at Mexican universities—they substituted Milton Friedman, Gary Becker, and Robert Barro.

The debt crisis of the early 1980s was in large part a result of the borrowing binge of the 1970s. Major first world banks, needing to recycle Middle Eastern oil revenue surpluses, made economically unjustified loans to third world nations on the assumption that authoritarian governments could always be depended on to squeeze repayments out of their populations. When the debt crisis came, those governments, some of which were now at least nominally democratic governments, appealed to the International Monetary Fund and the World Bank for help. The response, by institutions increasingly inspired by the Reaganite and Thatcherite models of how the world is supposed to work, was a demand for deregulation of business, privatization of government, and the dismantling of the social contract as a condition of their loans.

But the outside financial institutions could not have succeeded alone. Having honed their arguments and worked their way into influential positions, third world neoliberal technocrats insisted that their countries had no choice but to accept such "conditionality." They often collaborated with international lenders who were willing to play "bad cop" in front of the domestic audience in order to gain their own ideological agendas. Indeed, Teichman argues that the conditionality demands of the outside institutions were not nearly as decisive as these institutions' role in nurturing the rise of a class of domestic technocrats with whom they were ideologically and socially linked. She quotes a senior IMF official about the connections between people at the IMF, the World Bank, and the people who run the finance and economics ministries in Latin America: "We are all the same—people who come and go through the Bank, the Fund, and Finance Ministries and Central Banks of Latin American countries. We all studied at the same universities; we all attend the same seminars, conferences . . . we all know each other very well. We keep in touch with each other on a daily basis. There are some differences, such as between those who studied at Harvard and those who studied at the University of Chicago, but these are minor things."

Babb's story of the way it worked in Mexico begins with a decision by business leaders who were dissatisfied with the leftist, development-oriented economics department at the country's major university—the Autonomous National University (UNAM) in Mexico City. To counter the UNAM's influence, they built a rival university—the Autonomous Mexican Technological Institute (ITAM)—centered on a conservative and more mathematically rigorous American-style economics program. Instead of doing graduate work in Europe, the ITAM students went on to the University of Chicago and Yale and were favored in the allocations of scholarships,

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grants, and contracts by U.S. government agencies and foundations.

The showdown between Mexican economists trained at Cambridge University in England—the home of Keynesian economics—and those trained at Yale came in 1982. Because of its own oil, Mexico had been a prime borrower in the 1970s. But when world markets turned down and oil prices tanked, Mexico slid into recession and could not make its debt payments. The Cambridge group wanted capital controls, spending to stimulate the economy, and, if need be, suspension of payments on the debt until full employment was restored. They argued for joining like-minded policymakers in other debtor countries to form a debtors' cartel that could collectively negotiate with the financiers. In contrast, the Yale-trained crowd wanted to make a deal for yet more loans from the United States and the IMF so that Mexico could make its loan payments on time even though the net result would be prolonged austerity, unemployment, and more debt. In the end, President Miguel de la Madrid turned to the Yalies, in part because they had personal connections with the officials at the IMF and U.S. Treasury with whom Mexico had to negotiate.

In all three countries, the neoliberals' strategic objective was control over the finance ministries (the Economy Ministry in Argentina), which were responsible for macro economic policies and the critical relationship with the IMF, the World Bank, and similar outside institutions. Indeed, once that stronghold was taken over by Mexican neoliberals, they secured it by forbidding representatives from the IMF and the World Bank to initiate contacts with any of the other Mexican government agencies without the permission of the Finance Ministry. At the same time, candidates for important jobs within the Mexican government were vetted with the international financiers.

The technocrats and the domestic business community would, on a purely ideological dimension, seem strange bedfellows. At the heart of the technocratic agenda was trade liberalization, which threatened the protectionist policies that had coddled the native oligarchs. But, the two groups were allied by hostility toward labor, contempt for democracy, and—especially in Chile—a rabid anticommunism. Moreover, while some of the enterprises of the old oligarchical families were jeopardized by free trade, their personal fortunes were generally not. Deregulation, privatization, and financial liberalization imposed by the technocrats gave their business allies vast new opportunities that allowed them to shed their old holdings, abandoning their workers and campesinos in the declining sectors to the brutalities of laissez-faire.

THIS HISTORY undercuts a key moral defense of neoliberalism: that it is opposed only by entrenched special interests who hold hostage poorer masses who would benefit from the entrepreneurial opportunities and lower prices that free markets bring. Instead, Teichman concludes, "The evidence from this study contradicts the notion that market reform generates opposition from privileged vested interests while its beneficiaries, a diffuse cross section of the public, remain silent. In fact, the biggest winners of the initial period of reform [covered by the book] were the powerful conglomerate owners who bought up public firms, took advantage of the new export opportunities, and acquired privileged and personal access to the highest reaches of political power." The biggest losers, she goes on to say, were the rank-and-file workers and peasants who lost their jobs and saw real wages drop.

The other moral defense of neoliberalism describes it as the road to democracy. The mantra of neoliberals in Latin America has been that political freedom will follow economic freedom. There is certainly some logic in the proposition that free markets produce diverse centers of power and therefore are a counterweight to the centralizing political power of the state. But both Teichman and Babb conclude that, in fact, democracy was a casualty of market reform. In all three countries the policy elites used their power over government to deliberately exclude labor, small farmers, and small business people who at least had some role in the old "corporatist" system.

In Chile, neoliberalism came to power at the point of Pinochet's bayonets, having been

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incubated for a quarter century by the "Chicago boys"—the acolytes of Milton Friedman from the University of Chicago. In both Argentina and Mexico, the neoliberal wine was delivered in the old bottles of the corrupted former revolutionary parties—Perónistas in Argentina and the Institutional Revolutionary Party (PRI) in Mexico. In all cases, the key strategic accomplishment was the breaking of labor resistance. In Chile, that was done by the generals. In Mexico, the decades-old client relationship between the PRI and the labor federation had so corrupted the latter that it was easily rolled once the technocrats got control of the PRI. In Argentina, the labor base was stronger and harder to compromise, but knuckle under it did.

For Babb, neoliberalism's antidemocratic nature flows from the fact that it was driven by the technocratic class. The development of economics as a profession is the symbol and substance of the way the process worked in Mexico. "To flourish," she says, "professions do not need a majority of citizens to believe in their expertise. Rather, they require a source of payment for their services and/or support for their professional training." As in the United States, Mexican businesspeople were willing to foot the bills in order to change the way the country's educational elite thought about economics.

Babb is not optimistic about the future. "Economic policy," she writes, "is being placed beyond the reach of democratic institutions . . . moving ever further from the ballot box and ever more into the hands of experts." Her guess is that it will take "an economic upheaval of the scope of the Great Depression for a major change to come about."

TEICHMAN ALSO stresses that market reform has shrunk, rather than expanded, democracy. But she holds out hope that a second, more democratic stage may lie ahead. The hope hangs on a thin thread. In particular, her honest description of the entrenched power of the elites in Chile seems to undercut her admirable desire to locate a democracy somewhere in the future. In the case of Mexico, she rightly observes that it was not the success of the neoliberal program but its failure to provide stability and growth in the 1990s that led to the election of Vicente Fox and the ouster of the authoritarian PRI regime after seven decades in power. Yet, although the PRI was defeated, the policy class that used it to catapult to power remains firmly in charge. Francisco Gil Diaz—who plays a prominent role in Babb's story of the rise of the neoliberal bureaucracy under Carlos Salinas and his successor, Ernesto Zedillo—is currently Mexico's finance minister.

One reason to be skeptical of Teichman's thesis of a second democratic stage is precisely that neoliberalism has not delivered on its promises. In the last twenty years Latin American growth has slowed, inequality has increased and the debt burden has grown. As I write this, Argentina, which was a few years ago the poster child for neoliberalism, is in chaos. If democracy is defined as the capacity of people to get rid of an unpopular government, Argentina qualifies. But the brutal reality is that the neoliberal failure—from causes both domestic and foreign—has destroyed so much of Argentina's economy that the prospects for a liberal democracy with a flourishing civil society seem as remote today as they were in the time of the military dictatorship.

Despite some cooing over democracy, the intellectual publicists for neoliberalism show little tolerance for frustrated Latin Americans who attempt peaceful change through the ballot box or the institutions of civil society. This spring the short-lived military-business coup against an elected president in Venezuela received immediate support from George W. Bush and the *New York Times*. A few months later the U.S. embassy in La Paz told the Bolivian legislature that if it did not select its preferred candidate as president, the country would get no more U.S. aid. The legislature complied. In Colombia, hundreds of trade union leaders have been murdered by the right-wing paramilitary allies of the U.S.-trained army. And so it goes.

Both of these books support the thesis that the politics of the global economy is a one-party system, dominated by a class of multinational investors and their client policy experts. We might call it the Neoliberal Party—or perhaps the Party of Davos, from the site (until last

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year) of the annual meeting of the world's financial and policy elite. In a one-party system, the absence of democracy is hardly a surprise. Although one can see the beginnings of a party in opposition (the Party of Porto Alegre?) in the anti-globalization protests and the efforts of unions and nongovernmental organizations to challenge the neoliberal paradigm, they have a long way to go.

Meanwhile, the effort could be helped along by books like these, which give us a greater understanding of how the current one-party system works. I would like to see Teichman and Babb—or other like-minded scholars—connect some more of the dots, such as the relationships among the neoliberal policy networks in various Latin American countries, and between Latin American groups and their U.S. counterparts. We need more such books that shed light on the nexus between transnational capital and transnational ideas. As Babb implicitly advises, follow the money. ●

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Giving Feminism Life

Ellen Willis

CREATING A LIFE:
PROFESSIONAL WOMEN AND THE QUEST FOR CHILDREN
by Sylvia Ann Hewlett
Talk Miramax Books, 2002 334 pp, $22.00

AS A POLITICAL MOVEMENT, feminism is barely breathing. Many forces converge to obstruct movement toward genuine equality of the sexes: the entrenched, symbiotic structures of work and family life; the refusal to assign economic value to housework and child rearing; the devolution of the public sector; increasing class and racial inequality; the religious right's influence on abortion policy, sex education, and other aspects of sex and gender politics. At the same time, the taboo on radical thought that pervades our political conversation chokes off any serious discussion of how to transform these social conditions. Yet culturally, and in the mainstream media, a certain brand of feminism is (just as the right has always charged!) conventional wisdom, official morality. That men and women have equal rights; that women can do and be anything men can do and be; that we can, in a phrase that strains one's loyalty to the First Amendment, "have it all"; that there are glitches, of course, but onward and upward: this we believe, or at least say. And so dissent from these propositions takes on an aura of novelty, daring, and subversion, the very stuff of a "Big Story." The same media that promote the conventional wisdom revel in attacks on it—even as the attacks themselves become routine.

To be sure, not just any attack will do: attacks from the left are dismissed as cranky, while religious conservative antifeminism, for all its political clout, has no media cachet. What flies is "facts"—statistics and anecdotes drawn from biological, sociological, or psychological studies or from journalistic surveys—purporting to reveal that one or another aspect of the feminist project has unforeseen troubling consequences and that the quest to "have it all" (that is, have as much as men take for granted) must bow to intractable limits. Bonus points if you can get the facts to show that failure to recognize those limits has hurt women themselves, not just children or society, so that it's in women's interest to rethink their aspirations. The journalists who publicize these reports usually do so with a sympathetic and sober mien: it's a shame women can't get what they want, but what can you do—facts are facts! Still, there's no denying the undercurrent of relish, characteristic of those who

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mouth the conventional wisdom but have never really reconciled themselves to it. Which is why, as feminist critics are quick to point out, reporters so eagerly swallow questionable "facts" as well as interpretations that may be faulty even if the data are correct.

There's something of the kabuki dance about the stream of gloomy pronouncements and the ensuing charges of backlash. In general there is little appetite for the socially conservative changes in policy or behavior that the facts are said to warrant. Women make the decisions or non-decisions they do because of the complicated conditions of their lives; books may stoke anxiety or guilt, but they are not going to convince women to stay married or keep their kids out of day care or, as Sylvia Ann Hewlett's latest book would have it, make their first priority getting married and having a baby by their early thirties. On the other hand, feminists have made little impact with their efforts to show that the fact-mongers' statistics are wrong, their alarms exaggerated, their conclusions shaped by unacknowledged assumptions. In the end, the public tends to agree with the Rosie O'Donnell character in *Sleepless in Seattle*—the facts are not true, but they feel true. Backlash, strictly speaking, is the reaction against some novel social advance; what passes for backlash these days is more like the flogging of a horse that won't die, but isn't going anywhere, either.

CONSIDER THE classic just-the-facts episode launched by Hewlett's *Creating a Life*—she wanted to call it *Baby Hunger*, but her publisher objected—which made *60 Minutes* and the covers of *Time* and *New York*, among other conspicuous venues. Hewlett claims that attaining motherhood over the age of forty is akin to winning the lottery, and that women with high-powered careers are big losers. Enmeshed in corporate or professional institutions that demand total dedication and virtually unlimited working hours, the women of this rarefied cohort are starved of time for childbearing and rearing and for relationships that might lead to marriage; encouraged by the hyping of high-tech infertility treatments to believe that they can always get pregnant later, they are devastated, or so Hewlett argues, when they discover their time has run out.

The book proposes a number of legal and corporate reforms aimed at curbing the imperialistic claims of work on women's time, but these would hardly have inspired headlines like "Baby Panic." Rather, the irresistible hook is Hewlett's exhortation to women themselves: while she speaks of empowering young women with knowledge, giving them freedom to make the choices that will allow them to have work and children too, her practical advice boils down to Katha Pollitt's acerbic summary in the *Nation*: "Spend your twenties snagging a husband, put your career on the back burner and have a baby ASAP." Toward this end, the achievement-oriented, feminist-minded woman may need an attitude adjustment; Hewlett lauds the example of an interviewee who, in the middle of a grueling medical residency, hosted business dinners for her lover several times a week. (Reader, he married her.) Hewlett recognizes that men contribute to women's "time crunch," whether by asking them to host dinners or by not doing housework; she ruefully acknowledges their tendency to prefer "younger, less-accomplished and more-easily-impressed women" to female peers with ambitions of their own. But she offers no proposals for changing male behavior; evidently it just comes with the y chromosome.

Creating a Life is, to put it charitably, slight—a mixture of muckraking and self-help, with a bit of memoir thrown in. Its tone tends to the chatty and inspirational; its interviews are superficial; and its discussion of the insane demands of the contemporary workplace and their differential impact on women merely skims over territory covered more fully by authors like Joan Williams, Arlie Hochschild, and Ann Crittenden. Its information on the low rates of success with in vitro fertilization is old news (I find it hard to believe that the educated women Hewlett is writing about have been as credulous on the subject as she claims). The autobiographical section is poignant—Hewlett describes her own struggles with the conflicts between work and motherhood, as well as the traumatic loss of stillborn twins—yet in the end its main effect is to undercut her credibility. Already the mother of several children, Hewlett spent four years undergoing invasive infertility

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treatments in order to have one last baby at age fifty-one. Though she presents this quest as an emblematic case of baby hunger, it instead casts doubt on the whole concept as anything but one woman's Mia Farrowesque obsession

READING *Creating a Life*, I couldn't help sensing at every turn the dead hand of editors in thrall to the marketing department, telling Hewlett to simplify the ideas, scapegoat, er, expose the infertility industry, and supply plenty of anecdotes and personal details. It's less a book than a bound media event. Which is to say that it's a fat pitch for feminist critics. Of the various articles I've read that question Hewlett's figures and skewer her conclusions, every one is smarter and better written than her book, as well as truer. And yet, as this particular dance ends and the media move on (have you heard about the recent finding that children of mothers who work during their first eighteen months display slower cognitive development?), the feminist vs. backlash debate stays in exactly the same place. The rhetorical stalemate mirrors the political one—feminism has been on the defensive against the right for a quarter century—but it's cause as well as reflection, for new rhetoric is an integral part of new politics. How then do we shift the ground of the conversation?

The key, it seems to me, is to view books like Hewlett's less as backlash than as symptoms of a revolution that's gotten stuck. If feminism has vastly increased the menu of women's choices—especially for the well-off, educated, ambitious women who are the subject of Hewlett's book and also its critics—they are often choices among lousy alternatives; at the very least they entail complicated individual tradeoffs between worldly work and child rearing, love and autonomy, economic security and independence, tradeoffs that are not inherent in life's limitations but are products of institutional inequality. A vast quantity of literature has sprung up to interpret this situation for frustrated, anxious women—some of it by traditionalists who are resolutely antifeminist, some of it by hacks exploiting the frustrations and anxieties for bucks, and some by well-meaning writers like Hewlett, who have both feminist and traditionalist impulses and sincerely believe they've hit on the best possible compromise between them.

The only honest response from feminists is to demand that the revolution get moving again. But mainstream feminist organizations are only comfortable defending the status quo. And feminist intellectuals with a sophisticated grasp of the problems facing women often fall into a subtler trap. They—we—know that whatever the state of the movement, feminism is the linchpin of the lives we struggle to lead, the necessary condition for what we've achieved in the way of work, love, and a sense of self, whether we have children or not. The just-the-facts jeremiads obliterate this lived reality, understandably prompting the impulse to insist on it: feminism *has* won crucial victories; we are far better off than our mothers. Yet this insistence can carry with it the unwitting implication that sexism is no longer a serious constraint, at least for the privileged stratum of women to which feminist intellectuals and high-achieving professionals belong.

Rhetorically, the dilemma reveals itself in the ubiquitous "yes, but . . ." construction of antibacklash critiques. Yes, the critics concede, Hewlett raises some real issues. Women do pay a price for achievement, and many do end up involuntarily childless. *But* . . . Some of the "buts" have to do with Hewlett's numbers (her claim that the "vast majority" of childless professional women are unhappy about their state is based on the fact, of dubious relevance, that only 14 percent of her interviewees knew in college that they didn't want children; according to a study cited in the *American Prospect*, the only difference in the birth rates of high-achievers and working women in general reflects the former's greater reluctance to be single mothers). But mostly they add up to a defense of female achievers' priorities. We (that is, those of us who want children or male partners or both) would rather postpone childbearing till we're really ready and take our chances; would rather throw ourselves into our work and hold out for a man who will make room for it; would, indeed, rather be alone than like the hostess of those dinners, "willing to surrender part of her own identity to enhance that of the man she wanted to be with." Furthermore, we

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take responsibility for our choices and refuse to make melodrama out of the rough spots. We know the difference, as Joan Walsh put it in *Buzzle.com*, between "an occasional twinge of regret and life-darkening despair."

THE PROBLEM with this approach is that what begins as outrage at the disparagement of feminism may end up sounding suspiciously like self-congratulation. Instead, it might be useful to put our brief aside and focus on why "the facts," however distorted and dramatized (and *because* they are distorted and dramatized), are never laid to rest by rebuttal. Backlash may explain why studies like Hewlett's are so enthusiastically hyped, but not why they keep on coming or why they feel true. The woman bereft of a child exists, but she also represents something larger: she's a potent cultural symbol for the woman with a missing piece. And in some sense, in a sexist society, we are all that woman. None of us can put all the pieces together.

Which brings me to the subject of baby hunger. It exists, I know, because I developed a bad case of it toward the end of my thirties. Until then I hadn't seriously considered motherhood, not because I was putting my nose to the corporate grindstone, but because I feared losing the bohemian freedoms of my low-rent life as a writer; nor was I willing to consider it without a man who agreed to share childrearing. When for various reasons that fear loosened its grip and I began a relationship that made motherhood seem doable, the desire kicked in—perhaps I couldn't afford to feel it before then. Like a ripe subject for a Hewlett cautionary tale, I was confident that I would get pregnant easily (perhaps because five years earlier, one stupid moment of carelessness had been enough to do the trick). But it took me ten months to conceive, and then I had a miscarriage in my fifth month. When my daughter was finally born (I was forty-two by then), I knew I had been lucky. Had my luck failed, I'm sure I would have felt intense disappointment—how deep, how lasting, I can't know.

But baby hunger, in my experience, is a thing apart from rational consideration—"intentionality," as Hewlett calls it—about how to fit motherhood into one's long-range plans. Even at my most pessimistic moments, after the miscarriage, I never wished I had rearranged my life to have a child earlier; this would have been tantamount to wishing I had been a different person. I didn't regret aborting my earlier pregnancy; it was the last thing I wanted at the time. Baby hunger is not retroactive, any more than sexual desire is. It's a visceral yearning for a love-object-to-be; indeed, in its indifference to logic and practicality it's rather alarming. In the early throes of my craving, I worried about whether it signified a genuine desire for parenthood, with the whole new set of tradeoffs I knew would follow—if my main motivation was lust to cuddle an infant, I ought to do myself and the potential kid a favor and get a kitten instead.

I decided I did want parenthood: whether hunger propelled the decision or readiness to decide prompted the hunger, I've never resolved. But I'm convinced that baby hunger has a larger emotional meaning. It has to do with the longing to retrieve that missing piece; and it has to do with power. I don't mean just the power to create a life, though that's no doubt part of the story, but the power to create a human being on whom one can lavish all one's love and generosity without fear of judgment, rejection, humiliation, or violence; a being whose demands are based on need, not dominion. In the real world, motherhood intensifies women's economic and social disadvantage; yet the fantasy behind baby hunger is, paradoxically, one of emotional freedom.

To challenge "the facts" we need to understand the feelings behind them; to transcend sterile arguments about how much feminists have or haven't won, we need to reclaim the movement's utopian dimension and talk about what we really want. In the realm of work: not just "family-friendly" reforms that allow us a few hours off from our jobs to take care of the "second shift," but the abolition of corporate tyranny, work without end, and the sexual division of labor. In the realm of sexual relations: not to bribe men with our hostess skills or get off on ironic banter about the many ways they've let us down or proclaim that heterosexuality is inherently patriarchal, but to revive a near-dead conversation about

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how to change the sexual culture. In the realm of child-rearing: not just help with our responsibilities from husbands, nannies, day care centers, and social welfare benefits, but a serious effort to reimagine the family along lines that foster equal sharing and collective responsibility for children, whether their parents are married or not. "Facts" can debunk what is; they have little to say about what might be. This is our ground, if we can take it. ●

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Appreciating Radical Liberalism

Todd Gitlin

INTELLECTUALS IN ACTION:
THE ORIGINS OF THE NEW LEFT
AND RADICAL LIBERALISM, 1945-1970
by Kevin Mattson
Pennsylvania State University, 2002 314 pp $24.50

KEVIN MATTSON, a young historian whose shoulders are happily light of chips, has an audacious idea about the sixties and how to make use of them. Having begun his political life in the arid eighties, he writes from inside what he calls the left's "political void," yet without undue nostalgia or lamentation. What interests him about the sixties is not its chain of glorious (or ignominious) protests but its ideas, especially the thinking of those intellectuals who were not necessarily its most sweeping philosophical minds or most theatrical masters of ceremonies but who contributed sensible, "undervalued" ideas. These ideas were undervalued even by sixties activists themselves, who, evading their own national history, sometimes preferred to wander exotic third-worldist trails in search of some image of themselves turned inside out to resemble premodern Others. Mattson is properly scornful of sixties mythologies pro and con.

He is also a splitter, not a lumper. That is, he is properly skeptical of the cartoonish notion that the sixties were all of a piece, whether you take them as noble or degraded, the start of a civilization or the end of one, a brilliant failure, a monumental idiocy, or a glamorous tragedy. As a man of the left, he wants to search through a welter of events and writings for what might be usable in the present much different circumstances. Why bother? Because the sixties, in some ways a more hopeful and in others a more desperate time than the present, were rich enough in left-wing energies, fluid enough, hopeful enough, and inspiring enough to drive many talented people to think hard about what an imposing left would be, about how to do good work as political intellectuals, and how to leave something valuable behind when the tide receded. In a time when the left seems to matter less than at any other time than in the last, say, half-century (except for the Greens who helped accomplish the ascendancy of George W. Bush and his cronies, if you call that mattering), he boldly proposes that what was sensible in a decade ripe for the left might remain important in a vastly less promising time.

Histories and evocations of sixties ideas and sentiments go in and out of fashion but they are not what Mattson has in mind. Nor does cultural radicalism interest him, except as an impediment to the difficult work of politics. He presupposes that personal liberation, however delightful, is not good enough for the public weal. It is a particular set of ideas that interests him—ideas about the kind of politics that the left needs, and what intellectuals can do to promote such politics. From among the great swarm of ideas that circulated in the churning, blistering chaos of the sixties,

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Mattson has a particularly appreciative eye for one much-deplored tradition. If a single word characterizes such politics, the word is (reader, are you sitting down?) *liberal*. There was more life in liberalism than the New Left understood, Mattson maintains, and that life was not exhausted. In the sixties, the modifier he prefers is "radical," but the rock-bottom hero whom Mattson wishes to resurrect is that much-excoriated reform-minded defender of egalitarian justice, battered from the right as a crypto-communist and during the sixties frequently battered from the left by those who considered "corporate liberalism" the ideology of the ruling class and didn't have much respect for any other kind of liberalism either. The reader doesn't know whether to laugh or cry when reminded that, in 1966, with the student movement accelerating and Martin Luther King, Jr., leading the civil rights movement into Chicago, the editors of *Studies on the Left*, the most influential of New Left magazines, were denouncing reform, worrying that the gross danger facing the New Left was co-optation, and declaring that "liberalism will remain the dominant political ideology of the large corporations." "As history would prove two years later—" Mattson adds mildly, "with Richard Nixon's political victory, based upon a call for the 'silent majority' to rise up against dirty hippies, student activists, and liberal elites...—this assumption was false."

ONE OF THE unexpected tragedies of the student movement was that it mushroomed so fast as to swell up with inflated notions of how big and potent it was, and was destined to be. As impressively big as it had grown, might it not grow still bigger and get more done by kicking out the jams, breaking with more cautious allies, pushing harder in the direction of militancy? Scads of radical intellectuals were intoxicated by confrontation and inattentive to the consequences. They sneered at the growing backlash, paying little attention to the gathering strength of the then-new conservatives, and forgetting that most of America was not champing at the bit to get on with the revolution. Here as elsewhere, Mattson's discussion is subtle and generous, if, in the end, deservedly scathing.

Intellectuals in Action takes a while to get to the practical tidings it hopes to deliver. On the way, it meanders, because Mattson, perhaps too loyal to a well-worn formula in intellectual history, sets up his quest as a sequence of profiles. After a look at Dwight Macdonald and his World War II *politics* conclave—whose members reveled in their disdain for the practical—he moves to the sociologist C. Wright Mills, the anarchist polymath Paul Goodman, the historian William Appleman Williams, and the political theorist Arnold Kaufman, concluding with a tour through the circles that edited the two main journals of the student movement itself, *New University Thought* and *Studies on the Left*. He wishes to honor the grandfathers—an honorable project. But he also wishes to extract from their thought as a whole a particular kernel: thought about the place of political intellectuals. Putting it roughly, Mills is the pamphleteer; Goodman, the decentralist agitator-therapist-novelist-poet; Williams, the defender of local, small-r republican activity, of which the teach-in is the exemplary form.

Mills, Goodman, and Williams are obvious choices, and not for bad reasons. They wrote prolifically, they were staunch and often visionary, they had followings and influence. Mattson is respectful of these elders—perhaps too heartily so—and, in these chapters, not terribly original. But eventually it becomes clear that he is singling out one tendency for particular sympathy—and it is in its treatment of this tendency that Mattson distinguishes himself. To name it, Mattson borrows a phrase from the political philosopher Arnold Kaufman: he calls it "radical liberalism." Kaufman, perhaps best known for having taught Tom Hayden about participatory democracy, professed political philosophy for most of his career at the University of Michigan and wrote only one book, *The Radical Liberal*, which started as an article in *Dissent* (Irving Howe having generously invited him to write more sympathetically about the late New Left than Howe himself was inclined to do). Close to the Students for a Democratic Society circle in Ann Arbor, Kaufman was devoted to civil rights and antiwar struggles. In 1962, he attended SDS's founding convention at Port Huron. In 1965, he helped launch the teach-in move-

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ment. For the next six years, he worked feverishly to move the Democrats to the left, in the same manner also used by Michael Harrington. He died in a plane crash in 1971, aged forty-four—a year younger than Mills had been at his own premature death, in turn a year younger than Albert Camus at his own. The New Left was cursed by early losses.

As a political strategist, Kaufman was, in a sense, a more practical Mills—Mills chastened, Mills with a movement to look out for. Mills died in 1962, just as the student movement was roaring into a blaze. He was an electrifying pole for the movement, but he didn't live long enough to contend with its strategic quandaries. To paraphrase something Mills once said about Cuba, Kaufman worried about the movement but he also worried *with* it, within it. As early as 1955, Kaufman was arguing that political theorists had a particular responsibility to attend to the consequences of action. (To the consequences of thinking, too: he opposed the New Left romance with the Viet Cong on principle as well as on the ground of political calculation.) As Mattson puts it, by 1965 Kaufman was convinced that "confrontational protests often did more to make protesters feel good about themselves than to change things for the better." It was necessary, Kaufman thought, "to show how proposals could be transformed into politics—that is, into effective change." Like Williams at his populist best, Kaufman enjoined dialogue with ordinary Americans, but unlike Williams, he did not think that smaller was more beautiful. "A politics of truth" had to be married to "a politics of impact." New Leftists, he insisted, were gravely mistaken if they forgot that they "rely for support on the 'finks' they abuse." In an endless chain of articles and memos, Kaufman strove to "keep the New Left in contact with America's political realities while it tried to push the country to the left . . . .forging an effective coalition politics, respecting the value of participatory democracy, accepting the limits of what radical liberals could accomplish while not becoming cynical, being tough-minded while not becoming interested in winning at all costs, arguing against American policies while not sounding anti-American, and facing one's enemies with respect and seriousness." Not a bad agenda for next week, month, or year.

As his students too quickly forgot, Kaufman did not think participatory democracy was a substitute for parliamentary democracy. While Paul Goodman, among others, retained a passion for quick, hot-blooded action, Kaufman thought Rousseauan communion had to be complemented by Madisonian representation. Indeed, to be muscular, deliberation required strong government. All in all, radical liberals needed to combine coalition politics, participatory institutions, and stronger government ("the completion of the welfare state" was a phrase of the time, one that few today would dare utter). When, exactly, civil disobedience would prove constructive and when not was a question Kaufman was wrestling with in his last years. Mattson cannot solve it, either, and implies that the solution is easier than, in actuality, it is. It is one thing to call for a synthesis, or a balance; it is another to know when you've arrived there, and to be persuasive.

Still and all, Mattson deserves much credit for unearthing and exploring an eclipsed strand of New Left thinking—and declaring that today, too, there is a "need for a chastened sort of radical liberalism." Other historians, including this writer, have deplored the later New Left's self-destructive lust to undermine the liberalism that was the ground upon which it stood. Mattson goes further. He insists that the New Left harbored a self-subversive streak, a subterranean intellectual tendency that deserves resurrection and cultivation. Radical liberalism fights with the more expressive, grander spirit of going it alone, a line whose contemporary incarnation is Green-Nader recklessness. Affirming conscience and demanding results, it fights, too, with the backward-glancing, republican romanticism that flickers in the often luminous work of Mills and Goodman. Appreciative yet without illusions, Mattson goes beyond criticism or empty yearning. In a dark time, he lights an affirming flame. ●

TODD GITLIN's most recent book is *Media Unlimited: How the Torrent of Images and Sounds Overwhelms Our Lives.* Next spring Basic Books will publish his *Letters to a Young Activist.*

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Plutocrats in the Free Market

Steve Fraser

WEALTH AND DEMOCRACY:
A POLITICAL HISTORY OF THE AMERICAN RICH
by Kevin Phillips
Broadway Books, 2002 474 pp $29.95

PART ALLEGORY, part compelling empirical truth, Kevin Phillips's latest installment of his ongoing American saga about the historic confrontation between the politically empowered rich and the rest of us couldn't be more timely. On the domestic front the ruling regime oscillates between crony capitalism and a kleptocracy about which people grow increasingly anxious and angry. Meanwhile, depending on your point of view, we are living at the dawn, high noon, or in the golden afterglow of the American Century. Grandiose though he was, Henry Luce could hardly have imagined the fearsome awfulness of the twenty-first-century American imperium when he baptized its birth in the early days of the Second World War. The masters of our fate in Washington now indulge in the dangerous luxury of imagining themselves invincible, pronounce whole nations evil, or grant absolution as a function of their unilateral will and flirt with Armageddon.

What was self-evident even in Luce's day was that there would be no American Century without the practically unchallengable power of American finance capitalism. Phillips's book is a reckoning with that triumph. He has empire on the mind, writes in the dour tradition of Edward Gibbon, Oswald Spengler, and, more recently, Paul Kennedy, and sees in the current American ascension the prelude to its undoing. As the magnates of imperial Spain, the Netherlands, and the United Kingdom did before them, the overlords of the American Empire, in global pursuit of paper wealth, are abandoning the productive industrial wherewithal that once accounted for the country's economic and even moral health. They preside over a grossly inequitable and gallingly iniquitous division of wealth that is both the source of their own political supremacy and the disenfranchisement of the great mass of middle- and working-class Americans. Their transparent self-indulgence and criminal proclivities strain popular belief in the ideology of market utopianism that so recently seemed unassailable. Phillips's book is first of all a salient response to the last decade's market triumphalism, a vigorous effort to rescue the country from its social amnesia about the fact that wealth and democracy have been at odds throughout most of American history.

History, however, is not Phillips's strong suit. Moreover, his peculiar take on the country's cyclical experience with wealth and democracy is a telling commentary on his own oddly inflected populism. His is the populism of the "silent majority," which first made his reputation back in the days of Richard Nixon's "southern strategy." Phillips's lingering Republican past leads him to fantasize about some underground tradition of progressive middle-class Republicanism, which in Phillips's quirky narrative confection embraces the governments of William McKinley, Richard Nixon, and Abraham Lincoln. Phillips imagines these regimes as all suspicious of unsupervised wealth and mildly friendly to labor, while nonetheless operating under the dominating influence of the economic elites of their day. The characterization might loosely apply to Lincoln's new party, although the great merchant bankers of the antebellum North were the Great Emancipator's loyal opposition, not his natural constituency. When applied to McKinley and Nixon the notion verges on the preposterous—industrial workers in 1896 were terrorized into voting for

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the Ohio governor or staying away from the polls, while the whole tenor of the Republican campaign and the McKinley presidency that followed entailed an explicit repudiation of any suggestion of wealth redistribution or government regulation of big business. The evidence for Nixon's labor sympathies seems to consist of presidential invitations extended to the ossified leadership of the AFL-CIO to visit the White House. Phillips himself acknowledges that in every case—even in the one that most robustly supports his argument, namely Teddy Roosevelt's reign—the Republicans soon gave themselves over to the most self-interested, money-mad, socially irresponsible fat cats who always peopled the party's inner sanctums. As the author demonstrates, only during the Progressive Era, which was half Democratic, and during the New Deal order did the apportionment of national income and wealth swing the other way and were the commanding institutions of the private sector subject to some serious public surveillance and discipline.

Wealth and Democracy is an awkwardly constructed, enormously redundant tome whose organizational logic defies this reviewer's understanding. Yet its deeper meaning is transparently simple: it is a tale of betrayal and degeneracy, of the subversion of democracy by wealth. It is a highly sophisticated, data-laden (again and again Phillips presents the reader with startling and insightful deconstructions of the hierarchies of corporate and individual wealth) rendition of an ancient Jeffersonian jeremiad against the usurping ambitions of a financial or "monied" aristocracy. A deep-running, if subordinate, current within American political culture, this argument is our country's middle-class version of the class struggle; or rather, it is a way of conducting a struggle against privilege without calling into question the nation's underlying class structure and property arrangements. This is middle-class radicalism, periodically championed by disinterested members of the Brahman upper classes revolted by the vulgar ostentation and social callousness of the rich—T.R. and FDR most conspicuously. It is that venerable democratic impulse that reacts against the inevitable economic and social inequities of the marketplace while drawing back from any frontal assault on the market economy itself. Even Phillips's undercurrent of economic nationalism, his cautionary sermons about the foreign invasion of U.S. industry, trade deficits, illegal immigrants, and the loss of the country's alleged mid-twentieth-century economic independence is an echo of Populist sentiments more than a century old.

Wealth and Democracy is marred by its detour into Republican mythography, by allegorical repetitiveness and historical tendentiousness. For example, at several points, to illustrate his claim that fundamental technological breakthroughs are followed inexorably by spasms of wild financial speculation and panics, Phillips attributes the crash of 1837 to speculation in railroads when in fact it was old-fashioned, no-tech land speculation that produced the bust. And the bust was itself no mere speculators' panic like those at the turn of the twentieth century, but a depression that lasted for six long years. However, Phillips more than compensates for these flaws with his empirically rich, shrewd, and thought-provoking analysis of our present condition. If all the pages recounting the rise and fall of the West's great commercial empires were expunged; if all the attempts at summarizing and resummarizing the cycles of American political and economic history were to vanish; if all the inflated generalizations about the relationship between technology, finance, market utopianism, and imperial decay were elided; the book would still be worth its cover price.

First of all, there is Phillips's meticulous and subtle working through of the statistics of rising inequality during the last two decades. These numbers represent a high-caliber artillery that levels the edifice of people's capitalism that so impressed and enthralled everybody during the dot-com-bemused nineties. The book's tables and graphs alone make up a numerical "Common Sense" for our own time. Moreover, Phillips reminds us that all previous eras of technological futurism, such as the recently deceased one, have been accompanied by proclamations of a "new era" promising release from the economic crises of the past and by a Mandevillian literature alchemizing pri-

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vate vices into public virtues.

More significantly, what the author calls the "financialization" of the economy since the time of Ronald Reagan is the occasion for a brilliant analysis of the melding of the newly risen high-tech entrepreneurial elites of the last ten years with the Wall Street elites of an older vintage. It is arguable, although Phillips does not make this argument, that the current era is a second "financialization" of the political economy, the first having occurred during the age of J.P. Morgan, a Wall Street suzerainty that crumbled in the Great Depression. Alike in many ways, the two periods are distinguished from each other not only by the faux populism but also by what Phillips characterizes as the "collectivization of financial risk" of the contemporary system. The life-support apparatus of the financial welfare state saves major financial institutions from collapse—as in the savings and loan debacle of the eighties—through heroic transfusions of taxpayer money.

Most useful and suggestive is the book's attempt to socially dissect the last quarter century of excess. It is both a wonderfully concrete examination of the social reproduction of elites and an autopsy of the Democratic Party. It is tempting to equate the new era of Entrepreneurial Man with the rise of Ronald Reagan, but Phillips persuasively argues that the Reaganauts were never taken with the information-age, hip entreprenurialism that flourished during the Clinton years. Notwithstanding the "Great Communicator's" free market lingo, his regime still drew its sustenance from traditional big-time real estate interests, oil corporations, service sector giants, and military contractors, together with the usual suspects from high finance. They were as uninterested in the new visionaries of Silicon Valley as they were in the decrepit remains of the rust belt.

The Clinton interregnum, conversely, was the outcome of what Phillips calls the first white-collar recession of the early nineties—itself a fitting epitaph to the extreme "financialization" of the Gordon Gekko years—conjoined to the rapidly inflating Internet bubble. The atmosphere of sixties' cultural liberation that hovered over the Clinton administration had more to do with the borrowed anti-hierarchical argot and upscale designer egalitarianism of the new dot-com billionaires than it did with any sixties-era political engagement with the lower orders. While the New Deal welfare state was wrapping up its affairs, the new information-age elites were busy putting in place a global corporate welfare system of "financial mercantilism." Wall Street quickly acclimated itself to the new environment. It became heavily invested not only financially and not only because the microprocessor transformed the way it conducted its own high-velocity speculations. Psychologically and culturally as well, the Street became vested in new-era hype. Phillips talks about "grinds and globalists" supplanting the old skull-and-bones elites, committed to a relentless, de-regulated "securitization" of the universe, transforming customary signs of distress into market-cheering acts of "downsizing," deepening the chasm between the haves and the have-nots at home and abroad.

Depressing news indeed for those who cling to a faith in the Democratic Party. What Phillips seems to be claiming is that the social metabolism of the party has changed fundamentally, that it has become the captive of a new coalescence of elites whose cultural instincts and experience lack even a scintilla of disinterested social responsibility of the sort that has, on infrequent occasions in the past, contributed to real acts of reform, especially when pressured from below. Thus the comatose state of their opposition to the Bushites, the only other elite formation more lost in reckless self-regard and menacing fantasies of napoleonic globalism than they are. *Wealth and Democracy* is at pains to emphasize that democracy and capitalism are not the same thing. In the United States especially, this has always been an endangered distinction, now more than ever. If you want a thought-provoking account of how today's plutocracy learned how to exercise the tyranny of the free market, read this book. ●

Steve Fraser is writing a cultural history of Wall Street.

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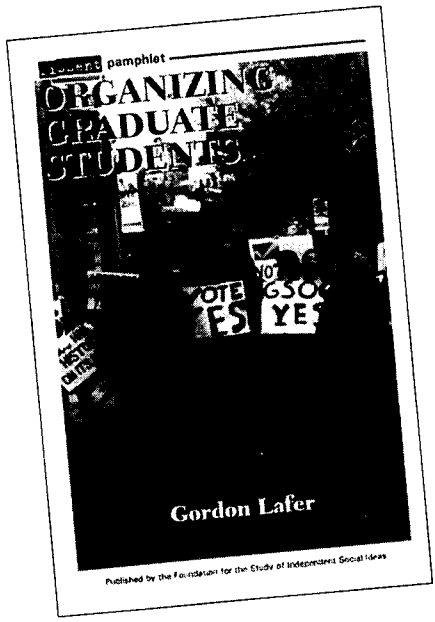
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On Empire and Cant

Editors:

Mitchell Cohen's "An Empire of Cant" (Summer 2002) is a lengthy criticism of my and Antonio Negri's book, *Empire*, based on a series of misreadings. It would take too much space to counter all of his confusions and distortions so I will limit myself to the point on which Cohen concentrates his energy: the relationship between fundamentalism and postmodernism.

Cohen dedicates half of his essay to three pages in the middle of our book that deal with contemporary Christian and Islamic fundamentalisms. Indeed, he demonstrates his expertise on the history of Islam in many more pages than we devoted to the subject. (The Christians do not seem to interest him much.) Our main point in these pages is very simple. We claim that it is more useful to understand the contemporary religious fundamentalisms, despite their own invocations of tradition, not as primordial resurgences nor even primarily as returns to the past, but as reactions to the formation of the contemporary global order and its hierarchies. In this sense, they are best understood not as "premodern" but as "postmodern." So far this is a relatively uncontroversial point: we merely attempt to historicize the contemporary phenomenon of fundamentalisms in the context of globalization.

The problem arises, however, when Cohen assumes that Negri and I are "postmodernists" and consider everything "postmodern" to be good—and therefore that we support the contemporary (Christian and) Islamic fundamentalisms. This mistaken impression can be cleared up simply by reading the previous pages of our book in which we criticize postmodernists along with postcolonialists. Certainly we do not think that all postmodernists are the same or that there is no value in their work, but we are nonetheless critical in some ways. We argue that the rise to prominence of postmodernist theories is a symptom of the fact that the world order has been transformed, but that many postmodernists do not recognize or respond to that transformation adequately. (Analyzing specifically how the world order has changed and how we should respond to it is the task of our entire book and requires all five hundred pages.) We criticize in particular those postmodernists who assume that the celebration of differences and the attack on binary divisions will necessarily be liberatory.

Now we can situate more clearly our interpretation of the Christian and Islamic fundamentalists: their rise to prominence, like that of the postmodernists and postcolonialists, is a symptom of the basic shift in world order, but the fundamentalists, too, fail to recognize or respond to it adequately. Our primary point, in other words, is that the rise of fundamentalisms and postmodernist theories alike are intelligible as reactions to the formation of a new global order, but that both provide mistaken responses. This despite the fact that postmodernists and fundamentalists are in some respects exactly opposite: the one, for example, insisting on the free play of textual meanings and the other on the immutable authority of the text. If Cohen really wants to challenge politically both postmodernists and fundamentalists, perhaps he should not attack our book but embrace it as an allied project!

The question of the "postmodern," however, needs a little more clarification. Although Negri and I criticize "postmodernists," we do maintain that the world has entered a postmodern era in the sense that many of the basic political, economic, and cultural characteristics of modernity have changed. It is certainly worth debating whether the transformations of our global system amount to such a paradigm shift and thus deserve a new label, such as Empire, but that does not seem to be Cohen's primary concern. I should also point out, by the way, that one can claim a historical passage toward the postmodern (as we do) and still maintain (as we also do) many of the political ideals that were common to some traditions of modernity. Our argument, for example, is entirely driven by the desire for democracy, freedom, and equality, a desire that I assume Cohen shares.

After this confusion about fundamentalism and postmodernism, Cohen continues with a series of further misreadings, burdening our book with the guilt of the Bolsheviks, the Palestinians, third-worldists, and others with whom he is angry. These misreadings are so obvious—for the fundamentalism question above it was suf-

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ficient simply to read the preceding pages in our book—that one has to ask what is driving them. It may be that Cohen attacks us primarily because, as he says, our book is "in vogue," and I suppose one has to accept such things. It may be that his insinuation that we support Islamic fundamentalism is merely another instance of post–September 11 opportunism, using the crisis to smear one's adversaries. (Why else would he dedicate such disproportionate attention to the question and why else would he elide our joint treatment of Christian fundamentalisms?) The most convincing explanation, however, is that Cohen is simply captive to a series of tired polemical alternatives into which he tries to force our argument: modernists versus postmodernists, second-internationalist social democracy versus third-internationalist communism, and so forth. The ideological battles of the past seem to weigh heavily on his mind.

What discourages and depresses me most about this essay is that it promotes the kind of unproductive ideological exchange that has plagued the left for decades. Despite his heated rhetoric, I do not think that Cohen disagrees substantially with the main of our argument. We are not the enemy he makes us out to be; he has merely taken the occasion to rehearse his rhetoric and vent some of his anger.

I wholeheartedly support *Dissent* in its goal of fostering and sharpening productive debate within the left. The strategy of name-calling, distortion, and misreading that Cohen employs in this essay, however, only leads us in the opposite direction.

MICHAEL HARDT
Durham, N.C.

Editors:

I read with great interest the piece by Mitchell Cohen on the book by Michael Hardt and Antonio Negri ("An Empire of Cant," Summer 2002). As an American professor teaching at the University of Paris-VIII, I had the pleasure of being a colleague of Antonio Negri during his years of political exile.

Overall, although I agree with certain of Cohen's points on the pernicious effects of relativism in today's world, I don't think this book is the appropriate whipping boy for that debate. The objective unholy alliance between the postmoderns and the fundamentalist Islamists, and the accompanying tiers mondisme of people such as Jean Baudrillard and Noam Chomsky, are actually dismissed by Hardt/Negri, who clearly attack identity/minority group politics, multiculturalism, and the grim "blame America for all the world's evils" school of antiglobalization politics. (For this, Negri is considered somewhat of an apostate by much of the European extreme left.)

But it is as a critic of *Empire* that Cohen has simply missed his target. That he spends the first few pages rehabilitating the shah of Iran and accusing Michel Foucault and (by association) Hardt/Negri of rehabilitating Ruhollah Khomeni and Islamic fundamentalism seems deliberately perverse, and an a posteriori way of blaming this book for the sins of September 11. That is, Cohen is unjust with the central point of *Empire*. Only in the last pages does Cohen actually address, although in contemptuous fashion, the overarching and substantive argument of the book, rather than pick through the particulars—namely, the prophetic disillusionment with politics under social democracy and "third way" Anglo-American style liberalism. (This Hardt/Negri wrote before the official coup d'état of George W. Bush and the electoral rejection of the Italian, Dutch, and French social democrats.)

Hardt/Negri's notion of democratization carves out a conceptual space for associations that flourish in Europe but that are "below the radar" of much "high political" debate. (Cohen sneers at these associations, using the Heideggerian concept of "Being-against.") In my *quartier* in Northeast Paris, such associations flourish, thanks to generous laws governing their financing and development. In the case of Belleville/Menilmontant, these politicize citizens through movements of preservation of neighborhoods, of historical "memory," of industrial architecture condemned for redevelopment, of helping immigrants to integrate, and so on. And, yes, these movements also are antiglobalilization ("Being-against" to Cohen, anti-"Empire" to Hardt/Negri) in the broadest sense, meaning they are organized to oppose specific problems raised by cultural conformity, privatization, and thoughtless economic development at any price. They are not mere anti-American dismantlers of McDonald's and members of "An Empire of Cant," as Cohen cleverly calls his piece.

No statist ideology has succeeded in giving a firm ideological core to these diverse and decentralized movements. (Thus the rather eccentric use of Augustine and St. Francis of Assisi by Hardt/Negri in order to invent a visionary resistance theory to globalization.) The result of this conceptual void: the "militants" of these associations and their fellow travelers have dropped out of the political process altogether, as in Italy, or have taken to voting for Trotskyist splinter parties, as in France. The Hardt/Negri project, for all its excesses, heavy dependence on philosophical jargon, and use and abuse of history (in the Foucaultian mold) is at least trying to fashion

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a raison d'être for activist social action and thereby to rehabilitate this form of politics.

Rather than speak to this, Cohen's particularly objectionable last paragraphs are sheer polemic, calling Hardt/Negri's argument "postmodern singsong," and seemingly blaming it for the defeat of social democratic parties and even the rise of the populist right in Europe. Could it be that Cohen has pilloried the messengers for an analysis that explained rather than exacerbated the demise of the governmental left?

I wonder about the place of *Dissent* in the post–September 11 political climate of the United States. Cohen's piece represents a recrudescence of the worst forms of cold war liberalism. His real target in taking on Hardt/Negri with such virulence is a supposed Fifth Column of American Talibans (or rather their intellectual equivalent, the tiers mondiste multicultural relativists), and this drives him into a position of utter intolerance concerning a supposed vast postmodern conspiracy. (Postmodernism covers a multitude of sins, but one wonders if in Cohen's mind it isn't confused with poststructuralism, the usual label slapped on Foucaultian theory.) In any case, "postmodern singsong" is a code by which all criticism of Israel, of U.S. foreign policy, of globalization seems to be treated by Cohen with equal contempt as objectively aiding and abetting al-Qaeda.

In a world of great ideological confusion, where, sadly, September 11 was celebrated in the banlieues of Islam right here in France, and in the parlors of bourgeois-bohemian Trotskyist voters in Paris, Rome, and Athens, what we need is more audacious and creative political debate, not a return to cold war categories of the "Axis of Evil." I think Hardt/Negri, with varying success, at least tried to contribute to this effort. For all his brilliance of argument, was Mitchell Cohen doing the same?

Allan Potofsky
Paris, France

Editors:

Mitchell Cohen's editorial in the Summer 2002 issue of *Dissent* misrepresents the record of Lionel Jospin's Socialist Party government in France. It was hardly as left wing as many think it was. It privatized Thomson Multimedia, Air France, and France Telecom, and though it cut the work week to thirty-five hours, it took advantage of this cut to systematically introduce "flexibility," challenging workers' past gains. Thus, while the unemployment rate declined about 20 percent over four years, this was because of the expansion of part-time and marginal jobs in all their various forms. Jospin held down public sector wages and social budgets, lowered taxes on those with the highest incomes, and reined in public expenditure in the name of eliminating deficits. As is sadly typical of social democratic governance today, Jospin's government offered reformism without real reforms.

One can certainly criticize the French far left for failing to get behind a single presidential candidate, and the bulk of the blame goes to Arlette Laguiller and her *Lutte Ouvrière* party. (Jean-Pierre Chevènement's party, mentioned by Cohen, can hardly be considered a party of the left.) But there is no reason for leftists to offer automatic loyalty to social democratic parties that do not challenge capital and do not deliver progressive reforms. (Cohen's indictment of Italy's *Rifondazione Comunista*, in particular, is foolish: it is a left-wing democratic socialist party that is no longer willing to give support to center-leftists who govern no differently than the center-right.)

I must also wonder who these leftists are who are supposedly trying to "'understand' Osama bin Laden and to turn Yasir Arafat into Nelson Mandela." Does Cohen care to name names? Everyone on the left, save perhaps a few leftover Stalinoids, has condemned bin Laden in no uncertain terms, and even Edward Said, whose positions Cohen dislikes, has denounced Arafat's authoritarianism, an authoritarianism that was encouraged by the Israeli government so long as it was directed against the "right" people.

Jason Schulman
Brooklyn, N.Y.

Editors:

Could you please tell me the names of the leftists who are trying to "understand" Osama bin Laden (Editor's Page, Summer 2002)? I assume that the purpose of the quotation marks is to let us know that these nefarious individuals are really trying to say that it was okay for bin Laden to kill three thousand people. I'm sure you could dig up one or two people who'd say something like that, but I haven't seen any prominent leftist in the *Nation* or Z magazine or the *Progressive* who would disagree with the opinion that bin Laden was a murderous fanatic motivated by hatred. As for Yasir Arafat, no one says he is Nelson Mandela. Edward Said, for instance, has been criticizing him for years. If Arafat were Mandela, he would no doubt try to rein in the terrorists, while simultaneously demanding much more from the Israelis than Ehud Barak ever offered. I doubt that the man who demanded one man, one vote would be impressed by claims that Palestinians must give up any version of the right of return. It's easy for Israelis and their right-wing supporters to criticize Arafat as someone not fit to tie Mandela's shoes. They're right, and yet somehow I suspect they would pre-

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fer a corrupt and compliant stooge, as Arafat seemed to be for a number of years, rather than a Palestinian version of Mandela. I don't know if Cohen would support the demands of a Palestinian Mandela, but he might want to consider what such a man might say if he came on the scene. One character trait that all leftists have in common is the desire to be seen as some sort of moral paragon, a St. Orwell who stands above the hypocrisies of lesser men. It's kind of hard to pull off—I don't think even Orwell succeeded. But you could start by setting a lesser goal for yourself—try telling the truth about what your political opponents, say, and then argue against them in an honest way.

DONALD JOHNSON

Mitchell Cohen Replies

Michael Hardt wants things all ways. He accuses me of "misreading" the book he co-authored. He charges "distortion," "name-calling," "post–September 11 opportunism," "confusion"—he forgot "wrecking"—and yet does "not think that Cohen disagrees substantially with the main of our argument."

He protests that he and Negri don't support Muslim fundamentalism. That is good of them. I didn't say they did. I said that (1) their treatment of Muslim fundamentalism is as wrong as Foucault's fantasy about the "political spirituality" of Iran's revolution; (2) their wrongheadedness on this issue is a symptom of large problems in their politics; and (3) fungible formulations allow them to skirt intellectual, moral, and historical complexities. I didn't oppose historicizing—just their historicizing, which reduces Islamic politics, and much more, to their own global theory. Thus Khomeini's victory was "the first postmodernist revolution." Perhaps Hardt/Negri should also historicize their claim that "once again in post-modernity we find ourselves in Francis's situation"—St. Francis of Assisi, a thirteenth-century friar—"posing against the misery of power the joy of being. . . . This is the irrepressible lightness and joy of being communist."

Their joy is my worry. Our real disagreement is not about slippery terms like "post-modern," but about defining a future left. They think "liberal and socialist big government" brought "repression and destruction of humanity." I think the left should be heir to what was best in liberalism—ideas like individualism, political equality, tolerance. Hardt thinks me trapped in old arguments; I fret that criticism of neoliberalim may be expropriated by a left-that-doesn't-learn, especially from its own history.

I cited Lukács telling a conservative nationalist in the 1920s that they were not on opposite sides of the barricades since, despite differences, they shared negative judgments of capitalism. Hardt/Negri argue that postmodernism and fundamentalism are responses to "Empire" from opposite ends of the global order but share, for all their differences, "Being-against." They hope "Being-against" will animate a liberating "multitude." I argued that this is a political-ontological hallucination. Muslim, Christian, and Jewish fundamentalists chastise capitalist consumerism; so do I. But Againstness does not place us on the same side—even of postmodern, decentered barricades. Note to Allan Potofsky: "Being-against" is Hardt/Negri's term. I find social suffering a sufficient rationale for social activism, as opposed to *Empire*'s "theurgical" "telos" of the "multitude."

Hardt, Potofsky, and Donald Johnson reprove me for "cold war liberalism" or the like. But as democratic socialists opposed both Stalinist apologetics and McCarthyism, so it is possible to oppose today's left-wing humbug while defending civil liberties and egalitarianism. I defend Chomsky's right to say that "Clinton's bombing of the Sudan" killed "unknown numbers of people" and imply it was worse than the attacks of September 11. (He knows it was worse even if the numbers are "unknown"); and Jean Baudrillard's right to find the United States culpable for the September 11 attacks because its "unbearable power" leads to all world violence; and Slavoj Zizek's right to claim that September 11 was "the distilled version of our own essence"; and Gayatri Spivak's right to say that suicide bombing is "a confrontation between oneself and oneself, the extreme end of autoeroticism"; and Edward Said's right to say that the September 11 killers were just insane—which implies that there is no political problem within Islam today, only elsewhere. (Compare him to Kanan Makiya, who insists Muslims regard al-Qaeda as Christians should regard the Ku Klux Klan.)

What might a Palestinian Mandela say? Perhaps this: "I am not a Palestinian Mandela. My people has long struggled for its identity. Allow me to be a Palestinian Arab who wants peace with my enemy. Let's skip unhelpful analogies, even if they appeal to Westerners who don't understand, as I do, that this conflict has rights and wrongs on both sides." He might repeat to Palestinians the precise words of Palestinian intellectual Sari Nusseibeh before an Israeli audience last year: "Two states will have to be one for the Israelis and one for the Palestinians, not one for the Palestinians and the other for the Palestinians . . . .We're telling the Israelis that we're going to kick you out: it's not that we want liberation, freedom, and independence in the West Bank and

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Gaza, we want to kick you out of your home. And in order to make sure that the Israelis get the message, people go into a disco or restaurant and blow themselves up. The whole thing is just crazy, ugly, totally counterproductive . . . The secret is to get the Israelis to side with you."

And finally, our imaginary Palestinian peacemaker might tell Israelis: "I've studied your side of the history—how anti-Semitism led to Zionism and your security concerns, how the socialist founders of your state hoped for a just society. But look what you have become. You may justify 1967 as self-defense, but settlements have no justification beyond nationalism that is out of control, all while it controls you. True, no state-founder can behave like Arafat. Yes, he elected Sharon. Still, some of your friends might say that Sharon's victory also reveals that something is unwell in your society. Let's get beyond this. No more settlements. We'll compromise if you will."

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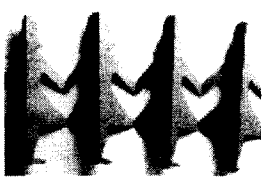

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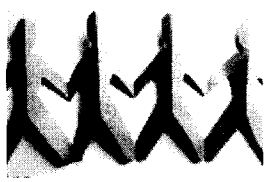

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Do Americans "by nature" know how one becomes a "naturalized" American? To become a citizen is far from ordinary in today's Western countries. Democratic founding is a privilege of the first generation, which binds the next and establishes the political identity of the *demos*. After that, people are citizens by nature. In ancient Athens, citizenship was *autochthonía*, "sprung from the land," and as eternal as the land itself. Religions too seek continuity over time. It is a Catholic rule that parents baptize their children just after they are born, before they can choose for themselves, before they can remember. Catholic identity should appear natural. Of course, this does not prevent recruiting new believers or new citizens.

The applicant for citizenship is given the chance to experience something the citizen "by nature" cannot experience. The act of "naturalization" is a reminder of the founding moment; its procedures represent the political identity of the existing *demos*, the deeply republican character of the Constitution. This is something unique. In Italy or Germany, naturalization is a bureaucratic fact: new citizens don't take a "civics exam." I became a naturalized American this spring, after I passed the exam and took the Oath of Allegiance, a simple but psychologically entangling procedure (and the reason why several European friends criticized my decision).

I studied the "Sample of Civics Questions" in a *Naturalization Study Guide*, and was interviewed by a gentle Indian-American woman whose English made me feel at ease. "What do the stripes on the flag represent?" "How many amendments are there to the Constitution?" "Who has the power to enforce the law?" "Name the amendments that guarantee or address voting rights." "What is the Bill of Rights?" "Name some countries that were our enemies during World War II." Easy questions except for the last two: "Who helped the Pilgrims in America?" and "What is the national anthem of the United States?" To the first I was supposed to answer, "The American Indians or Native Americans." Actually I did, but the tone of my voice was enough to make my examiner remind me that we were not having a "political discussion." And I could not answer the second question. Of course I knew the title of the anthem, but I have never been able to pronounce it: too many hard consonants in succession for my Latin vocal cords. My examiner laughed at my inability and tried in vain to help me.

Then, the day of the Oath came. Almost two thousand candidates convened at the Jacob Javits Center early in the morning, before work. We were arranged in Roman fashion: nine centuriae, each a perfect square of two hundred applicants. Several volunteers distributed voting registration forms, reminding us that citizenship means the right to vote. After a welcoming civics lecture, the ceremonies of the civil religion began. The public officers on the platform were dressed in ordinary clothes except one, who wore a judge's robe. She would seal our covenant. The Oath of Allegiance is composed of several promises. We were asked first to "absolutely and entirely renounce and abjure all allegiances and fidelity to any foreign prince, potentate, state, or sovereignty." As with religious baptism, the citizenship oath annuls all previous loyalties. De facto, many people can, like me, hold dual citizenship. But this is a contingent fact. In principle, sovereignty is jealous and monogamous. Once we were re-made as "unencumbered" individuals, the judge gave us a new identity by making us promise to support and defend the Constitution and the laws of the United States, and to serve the country when required in noncombatant service as well as in the Armed Forces (sovereignty is demanding as well as jealous). At this point, we were declared American citizens and asked to sing the national anthem. But naturalization had not improved my linguistic ability; I still could not sing the "Star-Spangled Banner."

Nadia Urbinati

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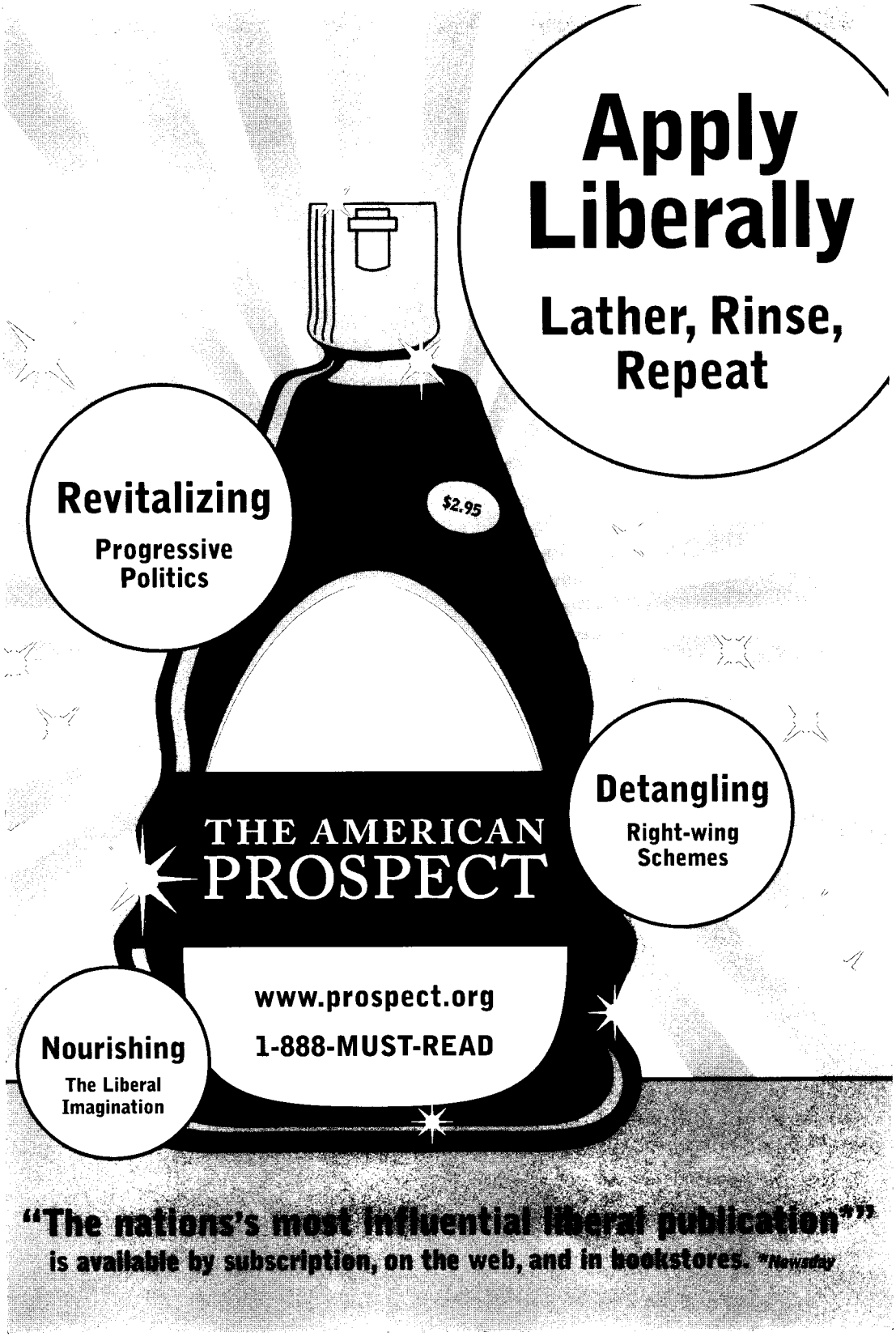

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